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CHARTERS

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ON PAGE A-18

THE NEW YORK TIMES
3 March 1980

Get It in Writing From the C.I.A.

Intelligence chief Stansfield Turner's message to the Senate Intelligence Committee is a setback for those who have worked so patiently to create a legislative charter for the C.I.A. And it is a dramatic display of the need for that charter.

Admiral Turner testifies that, yes, the Administration still wants a law spelling out what our spies may and may not do. But he balks at a key section of the pending charter bill — the one requiring the agency to give Congress confidential advance notice of the riskiest covert operations abroad. He casually discloses that he has not always given the notice the committee thought he had promised. And he implies that if Congress insists on advance notice, the entire bill may become stalemated and die.

If Congress ignores this cavalier challenge, it will risk more than its credibility as watchdog. The failure will demonstrate that the nation has not truly conquered the intelligence excesses of the past. Complaisant Congresses have permitted unsupervised foreign adventures — assassinations, coups, rigged elections — in America's name without demanding that they be squared with America's values or even interests.

The post-Watergate proposals for Congressional oversight captured the essence of reform. But the system itself became excessive, requiring reports to seven or eight committees. It was also inadequately grounded in law — an aggregation of legislative riders, Presidential orders, regulations and understandings.

These were always meant as stopgaps until a comprehensive charter could be enacted. But the C.I.A. now shows less interest in the charter than in relief from particular restraints. The system is working well, Admiral Turner is saying, and needs only a few adjustments. But Congress should not settle for a C.I.A. relief

bill. Having nominated as watchdogs members who know how to keep secrets, Congress should now insist on consultation prior to politically sensitive clandestine operations. No one argues for a Congressional veto, but the legislators can advise against operations that seem ill-conceived and appeal to the President if necessary.

Admiral Turner resists with unconvincing arguments about leaks. He says he can't ask agents to risk their lives, or foreign agencies to cooperate, when there is danger or the appearance of danger of exposing an ongoing operation. But he points to no leaks from Congress even under the admittedly excessive number of reports currently required. Like so many other invocations of "national security," these are exaggerated.

The Admiral's disquieting testimony underscores in yet another way the need for written rules governing intelligence activities.

At his 1977 confirmation hearing, he promised to try to report all covert operations in advance. But he seemed to be promising more than that. The only exception he foresaw was "an extremely rare occasion, when it was not possible to provide information on covert actions in advance. . . ."

"There is always the possibility," he said at that time, "that something might come up in the middle of the night when a decision has to be made right now, and that is the kind of thing that I have in mind in not wanting to be pinned down absolutely." Now he tells the committee that he has made unspecified exceptions on top of his middle-of-the-night exceptions.

So the loose arrangements get looser. The C.I.A. interprets them narrowly or broadly to suit itself and tells Congress what it pleases. More than ever, having an effective and responsible intelligence establishment requires that Congress provide a legally binding compact between that establishment and the rest of society.

ARTICLE APPEARED
ON PAGE 3BCLEVELAND PLAIN DEALER
3 MARCH 1980

'Unleashed' CIA not in U.S. interest

By David Atkins

Four years ago, candidate Jimmy Carter decried the abuses and excesses committed by the Central Intelligence Agency in the name of national security. Today, President Jimmy Carter is leading the bandwagon to remove what he calls "unwarranted restrictions" on U.S. intelligence agencies.

The current cold war "revival" has blinded some to the blunders that took place during the "original production," many of which were committed by an unauthorized and unrestrained army of CIA "covert action" operatives.

Since 1947, the CIA has operated under loosely defined standards which virtually exempted the agency from congressional or public oversight of its operations or even its expenditures of tax dollars. Although the agency was conceived of primarily as a foreign intelligence collection and analysis operation, its euphemistically named Directorate of Plans conducted, according to the Senate Select Intelligence (Church) Committee's 1976 report, close to 1,000 major covert action projects abroad.

These activities ranged from financial support for anti-Communist newspapers and political parties in Western Europe, to the "destabilizing" of governments in Guatemala and Chile, to exotic assassination plots against foreign leaders in the Congo and Cuba and paramilitary operations in Laos and Angola.

Disclosure of the CIA's sordid past in the wake of Watergate resulted in several in-house restrictions on the agency's covert action machinery and a requirement — contained in the 1974 Hughes-Ryan Amendment — of congressional notification of such operations. There is, however, still no legislative "charter" that would set specific standards for agency ac-

tivities and spell out in law when and how such clandestine operations may and may not take place.

Touted as a reform measure, a Carter administration-backed charter proposal (Senate Bill 2284) has finally emerged, but it could make a bad situation even worse. For the cold war revival has given the intelligence bureaucrats the perfect opportunity to portray a CIA fettered by congressional oversight and an inquisitive public.

The debate over a comprehensive intelligence charter has thus been turned inside out; what began as an effort to prevent the kind of CIA misconduct which Jimmy Carter once abhorred, has turned into a bill that could actually sanction such misconduct.

The proposed charter would authorize covert intervention abroad, but it fails to state precisely when such operations should occur and who should approve them. Except for political assassinations, which are specifically forbidden, the bill provides that a host of vaguely defined "special activities" could be undertaken merely upon the president's orders.

In other instances, there would be no need for presidential approval of a particular covert adventure once it is deemed to fall within a category of activities which the president has authorized in advance (thereby allowing a president to "plausibly deny" knowledge of an operation that proves to be distasteful or embarrassing).

Moreover, the legislation expressly disclaims any need for prior congressional approval, the executive branch's only duty being to "fully and currently inform" the Senate and House intelligence committees whenever an operation meeting the statutory definition of a "special activity" had already begun.

The proposed charter thus legitimizes the kind of secret, informal arrangements that have shielded recent presidents from public scrutiny for their foreign policy mistakes. This approach (which the Vietnam and Watergate experience was said to have buried) not only contradicts basic democratic notions of governmental accountability, it leads as a practical matter, to ill-considered and poorly prepared foreign intervention.

President John Kennedy conceded as much, when after the secretly authorized, CIA-sponsored Bay of Pigs fiasco, he told newspaper editors that he wished they had published details of the invasion so it would have never taken place.

The Church committee concluded that the most successful foreign operations occur in support of "policies which have emerged from a national debate and the established processes of government." The record is replete with instances of CIA clandestine operations, authorized "outside of channels," which not only failed to achieve U.S. interests abroad, but actually undermined American credibility.

Ironically, the hostage crisis in Iran which has in part rekindled the romantic longing for cloak-and-dagger operations might never have developed if the CIA's Directorate of Plans hadn't helped "destabilize" the Iranian regime in 1953.

The proposed intelligence charter fails to take into account another lesson of the past by not expressly prohibiting the wide range of domestic activities which the CIA frequently conducted at presidential request even while acknowledging them to be "extralegal" or even illegal.

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The measure does not prohibit the type of infiltration and mail-opening conducted by the agency against civil rights and antiwar activists as part of its Operation Chaos program in the late 1960s. Apart from a general admonition that the agency respect the "integrity of private institutions," the legislation would not prevent the kind of deceptive use of American universities to which the CIA resorted in channeling money for its preposterous but deadly MK-ULTRA drug experiments.

Most significantly, the proposed charter actually authorizes wiretapping, mail openings and break-ins directed at American citizens abroad without any requirement that the government show there is "probable cause" to believe that a crime has or is about to occur, or even that the target of surveillance is acting as a foreign agent.

Finally, the current mood has

produced a number of proposals aimed directly at muzzling public discussion of CIA activity. One provision of the charter proposal, for example, would greatly restrict citizen access to CIA records under the Freedom of Information Act, currently one of the most effective means for keeping the government honest.

Several other measures now before Congress (some of which may become part of the charter in its final form) would make it a crime for anyone — including reporters — to disclose the identity of an intelligence agent.

While legitimate intelligence operations deserve a degree of confidentiality, Watergate, the secret bombing of Cambodia and other misdeeds committed and then covered up under the familiar national security pretext should be reminders that the threat of public disclosure is a necessary deterrent to government wrongdoing.

Although the current international tension certainly justifies an effective U.S. intelligence gathering apparatus, it does not justify restoring unchecked covert action abroad and political spying at home. Indeed, as one former CIA

intelligence analyst, E. Drexel Godfrey, asks, "Will not the appropriate ... functions of the CIA, and the other parts of the intelligence community be compromised by ... heavy-handed ... clandestine activities?"

Based on a 30-year record that shows such activities to be both shockingly immoral and shockingly ineffective, the answer is yes. President Carter and the members of Congress now rushing to "unleash" the CIA should know that, but their memories seem dangerously short.

Atkins, a Greater Clevelander, is a student at the Yale University Law School and has done summer work in Washington for the American Civil Liberties Union.

ARTICLE APPEARED
ON PAGE A10THE WASHINGTON POST
3 March 1980

CIA Debate: A Question of Prerogatives

By George Lardner
Washington Post Staff Writer

Toward the end of the hearing, a senator from New York began ridiculing the White House for forgetting its promises to the voters. After the session was over, a CIA lawyer strode up to the committee's staff director and lectured him about the law until he grew red with anger.

The debate over the CIA charter, and particularly its requirements for reporting to Congress, is beginning to take on a harsh edge, with each side accusing the other of trying to change rules of the game.

The biggest controversy involves the question of "prior notices" to Capitol Hill of covert operations and other significant intelligence activities. President Carter has come out strongly against such a provision. The Senate Intelligence Committee is insisting on it.

With customary dramatic flair, Sen. Daniel Patrick Moynihan (D-N.Y.) began wondering aloud at a CIA charter hearing Thursday just who got elected in 1976 when Jimmy Carter campaigned against "the veils of secrecy" in Washington and Walter Mondale promised reform of the CIA.

Moynihan recalled one meeting at the White House in the fall of 1973 when Mondale, a former member of the Senate Intelligence Committee, walked in to review a largely permissive draft charter that had been out together by the lawyers for the various intelligence agencies.

"The vice president looked sternly at the four wretches assembled and said, 'You fellows don't seem to understand who won the last election.' A member of the Church committee [the first Senate Intelligence Committee headed by Frank Church of Idaho] is now vice president," Moynihan recounted.

Now, just 18 months later, Moynihan observed, the White House is refusing to go along with a law that would require the executive branch to share all its secrets with the Senate and House intelligence committees. "Now," Moynihan said, "it seems that we don't understand who won the last election . . . What ever happened to those fine brave ideals that the vice president brought into office?"

The reaction from the administration has been just as pointed. One White House aide close to the charter debate dismissed the committee's position as "juvenile and groundless." He pointed out that the House and Senate Intelligence committees are usually told ahead of time all intelligence activities of any importance and that the president intends to continue the practice. Carter, it is said, just doesn't want that nailed down into law.

"They [the intelligence committees] haven't got one ground for complaint to date," this official said. "They say, 'well, what happens if we have a new president? What if we get another Nixon?' My answer to that is, 'What if we have another Joe McCarthy?'"

The debate, in short, is one over checks and balances, a question of presidential prerogatives vs. the power of congressional oversight.

CIA Director Stansfield Turner has argued against a law requiring prior notice on grounds there are some operations that are just too sensitive, that human lives might be endangered if Congress were told and word leaked out.

Coincidentally, the one big operation that the select committees weren't told about—for fear of leaks—leaked out anyway. It was still a success because the outsiders who learned of it kept the secret themselves.

This was the so-called "Canadian caper" involving the escape in January of six American diplomats from Iran after they hid for three months in the Canadian Embassy in Tehran. Jean Pelletier, the Washington correspondent of Montreal's La Presse, knew their whereabouts. So did Newsweek and the Washington bureau of NBC News, among others.

The Senate and House Intelligence committees, meanwhile, were kept in

the dark. The chairman of the Senate committee, Birch Bayh (D-Ind.), who said several weeks ago that he knew of only one exception to the "prior notice" practice, confirmed Friday that "we didn't know about the Canadian situation."

Would it have added to the hazards to have told the traditionally close mouthed committees when journalists were already aware of the operation? "That's a very tough question," allowed one CIA official.

Still, the debate rages on. Some CIA aides have suggested President Carter feels so strongly about the issue that he will veto any charter containing a prior notice rule. But White House aides insist he hasn't addressed the question of a veto yet.

Some members of the Senate committee and their aides feel they have already made more than enough concessions to the CIA and the administration on the charter legislation. The bill introduced Feb. 8 by Sen. Walter D. Huddleston (D-Ky.) gives the CIA an unprecedented exemption from the Freedom of Information Act, provides criminal penalties for unauthorized disclosure of the names of CIA operatives, and repeals the 1974 Hughes-Ryan amendment that governs covert operations.

Under Hughes-Ryan, no covert activity may be undertaken "unless and until" the president finds it important to the national security and reports the undertaking in a timely fashion to the appropriate committees of the Congress.

The CIA has complained for years that this requirement forces it to inform committees involving 200 members of Congress and their staffs, but the number has been exaggerated. As Rep. Les Aspin (D-Wis.), chairman of the House Intelligence oversight subcommittee has pointed out, only three of the eight committees systematically review covert actions and only a few members of the other committees are notified.

Moynihan argues that Hughes-Ryan should be amended in any case because it is ambiguous and the "unless and until" clause could be read as requiring prior notice now. In practice, the administration has, as a general rule, been supplying prior notice anyway, under a 1978 Carter executive order. It provides for the Senate and House Intelligence committees to be kept informed by the intelligence agencies of "any significant anticipated activities."

The administration, however, wants to keep that clause, "significant anticipated activities," from becoming law. It proposes only to keep the two intelligence committees—and no others—"fully and currently informed" of its undertakings.

At one point during Thursday's hearing, Bayh expressed his exasperation over the dispute.

"It seems to me we're picking at gnats that have turned into the size of watermelons," he told CIA Deputy Director Frank Carlucci. "We're making a great big deal out of this. I think you can include 'significant anticipated activities' in a manner that does not breach security."

Carlucci didn't quite agree. After the hearing, a CIA lawyer marched up to the committee's staff director, William Miller, and began expounding on the niceties of the issue until the normally unflappable Miller flushed and barked at him: "That's why we're putting it in the statute."

At this point Bayh said he doesn't see much point in further argument. He said he did not think it wise to rely on the good will of future administrations instead of law.

"We've just got to go ahead and see where the votes are," he said in a telephone interview. He said no one on the intelligence committees was trying to dispute the president's leadership in foreign policy or to assert a veto power over covert actions. But if the White House keeps insisting that the president's "constitutional authority" is at stake, he said, Congress might start asserting its constitutional authority over appropriations.

"If we want to play that game," he said, "we can say, 'No knowledge, no money.' We still have the right to control the purse strings."

ARTICLE APPEARED
ON PAGE K-4LOS ANGELES TIMES
2 MARCH 1980

Unleashing the CIA

A proper charter for the Central Intelligence Agency is as difficult to devise as it is easy to define. The CIA should have sufficient authority, clothed in necessary secrecy, to gather foreign intelligence, but that power and secrecy should not be so unlimited that the agency could again become a threat to liberty at home, or become unaccountable in its operations abroad.

While Congress is considering legislation that would set responsibilities and regulations for the CIA, momentum is growing to "unleash" the agency—a movement stimulated by a sense of frustration over the crises in Iran and Afghanistan.

President Carter has complained about "unwarranted restraints" on the CIA, and, among many supporters of legislation to modify these restrictions, Rep. Robert McClory (R-Ill.) makes a typical charge. He says the restrictions "have unduly hampered the ability of the United States to effectively conduct foreign policy."

Some changes are indicated in the reforms imposed on the CIA in the 1970s. But this is a time to proceed cautiously. It is a time to remember that the restraints were instituted in response to the CIA's illegal surveillance of thousands of Americans, and to revelations about its attempts to overthrow or assassinate foreign leaders.

At present, eight congressional committees must be informed before the CIA can carry out "covert" operations abroad. It makes sense to restrict such information to the House and Senate intelligence committees. Yet a more effective reform than this, we believe, would be the creation of a joint committee to oversee the agency—a committee modeled after the Joint Committee on Atomic Energy. But this proposal, first suggested several years ago at the height of the controversy over CIA activities, is not included in the charter legislation.

Present law requires the President to approve all covert operations. Legislation before Congress would mandate presidential approval only for clandestine activities involving "substantial" risks. This proposal has encountered criticism. Sen. William Proxmire (D-Wis.) says this change, supported by Carter, is intended to give the President "plausible deniability—that insidious doctrine that allows the

executive branch to take secret actions and later deny the existence of such operations."

Carter does not want to inform the intelligence committees of covert operations in advance, yet prior notice would constitute a reasonable check on rash action.

Another proposal would exempt the CIA from most requirements of the Freedom of Information Act. For what purpose? The CIA says that this is necessary to dispel the belief that the CIA can be compelled to divulge secrets, and that this hampers its operations. However, under present law the agency already has the authority to protect classified data.

The bill would permit the CIA, with a court order, to conduct wiretaps and searches of Americans believed to possess "intelligence information" even though not suspected of having committed a crime. This is a highly dubious measure, considered in the light of illegal CIA spying on Americans just a few years ago.

The proposed charter would make it a crime for present or past intelligence employees to reveal the names of secret agents. Such disclosure for the sake of disclosure should be prohibited. Another bill pending in Congress would have extended the criminal sanction to the press. That section has been deleted in recognition of the fact that exposure of illegal activities could on occasion lead to the identities of the individuals involved.

Many troublesome issues are raised in the charter legislation. The act would bar the intelligence agency from engaging in assassination attempts, but would not prohibit the CIA from attempting to overthrow foreign regimes.

Sen. Daniel Patrick Moynihan (D-N.Y.), who strongly favors relaxing the curbs on the CIA, emphasized that the country must face "the reality of the totalitarian state in today's world, and the conditions of conflict which the existence of the totalitarian state imposes on the rest of us."

That is a grim reality, but we must be wary, in confronting the totalitarian threat, not to undermine our greatest source of strength—an open society. Congress must proceed cautiously in weighing every aspect of the intelligence bill. □

ARTICLE APPEARED
ON PAGE A-11WASHINGTON STAR
1 MARCH 1980Cord Meyer

Birth pangs for the CIA charter

After nearly three years of gestation and prolonged labor pains, a new CIA legal charter was recently delivered by the Senate intelligence committee in the form of a bill sponsored by Sen. Walter Huddleston, D-Ky., and three other senators.

To the evident dismay of the senatorial midwives at the initial hearing, the Carter administration and many members of the committee seemed unwilling to acknowledge parentage of the sickly infant. Conservatives complained that the legislation went too far in imposing detailed restrictions on the intelligence agencies, while the American Civil Liberties Union has stated that it does not go far enough.

The ancestry of this legislation goes back to the highly-publicized investigation by the Church Committee in 1975-76 of the real and imagined wrongdoing of the FBI and the CIA. Urged on by *The New York Times*, liberals made it an article of faith that the most serious threat to American liberties came not from abroad but from our own intelligence services.

To chain this "rogue elephant" and to restrain the excesses of an "imperial" presidency, it was deemed necessary to enact into statutory law — with criminal sanctions — a detailed list of prohibitions to prevent intelligence officers from violating the rights of U.S. citizens.

From his service on the

Church Committee, Vice President Mondale brought with him to the White House an urgent commitment to achieve this reform. Two Church committee staffers who shared his fervor were given key positions, David Aaron as Zbigniew Brzezinski's deputy on the National Security Council staff and William Miller as chief of staff of the Senate intelligence committee.

The first fruit of their labors was legislation introduced in early 1978 which was so festooned with legal restrictions and reporting requirements that it died a natural death before ever reaching the Senate floor. The new intelligence charter introduced by Senator Huddleston attempts to take a more realistic approach but it only succeeds in dramatizing again the difficulty of trying to legalize espionage, which is by its nature illegal.

One example will suffice. In order to bug an American citizen abroad suspected of hostile intelligence connections, the new charter requires that a court order first be obtained from a U.S. federal judge. This bizarre procedure puts the federal judiciary into the business of approving a violation of the law of a foreign country where our courts have no jurisdiction.

Moreover, the court order would clearly be a rubber stamp rather than a considered judicial decision, since the judge is specifically to be denied such pertinent information as the extent of

cooperation by allied intelligence services. This extension abroad of American judicial authority will certainly be resented by foreign governments as arrogant hypocrisy. It is a perversion of our system of justice designed to throw a mantle of spurious legality over an illegal act.

Overtaken by events in Afghanistan and Iran, the Huddleston bill was born as an anachronism in a time when the ineffectiveness rather than the power of the CIA is seen as a cause of major concern. In the initial hearing before the Senate intelligence committee, there was little enthusiasm for the bill's 171 pages of turgid prose which Sen. Daniel P. Moynihan, D-N.Y., described as "a mournful exercise in bureaucratic draftsmanship."

The House committee on intelligence has consistently taken a highly skeptical view of the attempts of their Senate colleagues to draft a comprehensive list of legal restrictions. Their attitude was summed up in the comment by a House staffer that the new charter must have been drafted "by a group of political scientists and lawyers who had no experience in the legislative or the executive branches and no knowledge of intelligence." The chances of the Huddleston bill's passage by the House are remote.

Anticipating that the new charter would be stillborn, Sen. Moynihan has introduced a separate and much

shorter bill which addresses itself to the urgent practical needs of the intelligence community. It would repeal the Hughes-Ryan amendment that requires the president to notify eight committees of covert action operations and confine the reporting requirement to the House and Senate intelligence committees.

Moynihan's proposed legislation would also relieve the CIA of much of the burden of reporting under the Freedom of Information Act and would for the first time provide criminal sanctions against present or former government officials who disclose the identities of agents under cover. Wisely, Moynihan has agreed to modify language in his bill to make clear that the official leaker and not the press would be held criminally responsible.

There is widespread support in both Houses for Moynihan's initiative but Democratic senators are demanding as a *quid pro quo* that a reluctant White House guarantee prior notification of covert action operations and full access to all intelligence information as a prerequisite to effective congressional oversight.

Such oversight is the best protection against intelligence abuses. Whether a deliberately ambiguous compromise can be found to settle this ancient conflict between the president and Congress will determine the chances for real intelligence reform in this election year.

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ON PAGE A-20

NEW YORK TIMES
1 MARCH 1980

Letters

To Watch the C.I.A.

To the Editor:

In the recent debate on the C.I.A., I have heard nothing of a reform that seems eminently reasonable, especially if the number of Congressional committees to which the C.I.A. must report is reduced: Provide for a rotating membership, including chairmen, on those committees which oversee the agency. This will help eliminate cronyism between committee members and the agency, insuring effective oversight.

EDWARD S. DERMON
Roslyn Heights, L.I., Feb. 24, 1980

PARKERSBURG NEWS (W. VA.)

17 February 1980

Byrd to Help

Senator Byrd's decision to help remove the unreasonable restraints on the Central Intelligence Agency means that an almost immeasurably powerful political arm is being extended the CIA. Byrd indicated at a meeting last week that some of the tape which has been binding the agency must be cut in the interest of keeping America abreast of what is happening in other parts of the world.

Byrd says he favors reducing the number of committees that now demand reports from the CIA. It appears to be a worthwhile move. Clearly the CIA's obligation to report to three committees in both the House and Senate has provided grounds for much of the trouble the agency has faced.

Many members of Congress feel that if the reins on the CIA had been loosened months ago we would not be in so much trouble in either Iran or Afghanistan. We were never a strong believer in many of the sordid stories that were associated with CIA activities. The stories about assassination plots, drug experiments and surveillance of United States citizens, we feel, were unfairly overplayed and aroused in this country an animosity that never should have existed.

The CIA is not in what might be called a pleasant type of work. Their assignments are dangerous. They must search the most ruthless governments on earth for information that would benefit America. Some times there is not a pretty way to do these things.

The agency has been portrayed as a bunch of murderers who would go to any length to gain the desired ends. Perhaps that in a fashion is so. Gathering needed intelligence requires courage and determination, and if a few bodies fall here and there when the CIA must go the distance to protect America it is understandable that bloodshed is not always avoidable.

NEWSDAY (N.Y.)
13 FEBRUARY 1980

The CIA Must Still Be Kept on a Tight Leash!

by Curtis B. Gans

There has been much said and written recently about how the Central Intelligence Agency is a pitiful, helpless giant, rendered ineffective to serve the security needs of the nation by a cruel web of congressionally inspired restrictions.

The invasion of Afghanistan and the seizure of the U.S. Embassy in Tehran have provided a convenient pretext for repeating this fiction and for a renewed and concerted effort to get the most important and necessary of these restrictions repealed:

- The requirement that the President approve of and Congress be informed about all American covert intelligence actions.

- The stricture that the CIA be fully accountable to political leadership—the President and Congress—for all of its operations.

Congress, if it is wise, will retain the essence of these controls over the intelligence community and keep this particular "rogue elephant" within a rational cage.

The need for an effective American intelligence service is not in dispute. No one who cares about either the welfare and security of the United States or peace in the world can doubt the need for an effective American intelligence capability. Accurate information can help political leadership protect the nation adequately, plan for the future and avoid dangerous miscalculation.

But the pursuit of accurate information upon which to base a secure national future does not imply the right to play fast and loose with human life, invade the privacy and violate the rights of individual citizens or infiltrate and manipulate the institutions of a free society.

In a similar fashion, only the pure of heart, the faint of resolve or those most sanguine about the benign nature of international competition would deny the utility of covert action in certain limited situations.

Even now it would seem in the national interest to engage in covert action to find, train, nurture and support democratic, non-Communist, anti-authoritarian elements in Latin America and South Africa—lest the only political choices remaining be between a hated authoritarian right and a popular pro-Soviet left.

But only a person with an exceedingly short or convenient memory could forget the excesses of the CIA

in the conduct of a covert action:

- The attempted assassination of Fidel Castro and the likely killings of many lesser officials.

- The destabilization and dismemberment of democratically elected governments, most recently in Chile, but earlier in such countries as British Guiana and Iran.

- Operation Phoenix—the systematic destruction of villages, defoliation of forests and murder of leaders in Vietnam in order to deny the Viet Cong sanctuary, the testing of gases and drugs on unknowing citizens and other actions that show a lack of respect for human life.

- Perhaps most importantly, the buttressing of and the marrying of America's fortunes, in the name of anticommunism, to repressive, authoritarian and unpopular governments such as those of the shah in Iran, Somoza in Nicaragua or Thieu, Ky and Diem in Vietnam.

There is no evidence that any of the restrictions on the CIA have either undermined national security or rendered the organization less capable of doing its primary job—providing the nation with adequate information to conduct its foreign policy.

The errors the CIA has made during the past few years have resulted not from the new restrictions placed upon it, but rather from errors of

judgment within the agency itself.

It is, for instance, true that the CIA failed to warn the nation of the seriousness of the threat to the shah in Iran and did not accurately predict his downfall.

But the CIA's failure was due to the fact that it made a political decision to draw its information only from pro-shah sources and to involve its operatives only with pro-shah elements within Iran.

President Carter committed himself in his State of the Union Address to relax "unnecessary" restrictions on the CIA.

There is perhaps one such unnecessary restriction—the requirement within the Hughes-Ryan Amendment governing CIA conduct which mandates eight congressional committees be informed of every CIA action. This probably carries dissemination of classified information beyond what is wise for the security interests of the nation.

The President should ensure that only the four relevant committees of Congress—those dealing with intelligence and foreign policy—monitor CIA activities.

And the President should make no attempt to modify those provisions of the Freedom of Information Act that have made possible the revelations of the excesses of CIA behavior.

Curtis B. Gans directs the Washington-based Committee for the Study of the American Electorate.

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ON PAGE 4

THE DAILY
UNIVERSITY of WASHINGTON
12 FEBRUARY 1980

Unleashing the CIA

By Clark Humphrey

I don't really understand what's going on in our foreign policy. The best analysis I've got is that the leaders of our Congress and executive branch have decided that the way to solve our problems is to make them worse.

Congress will probably take action this year on bills to loosen the recent restraints on the activities of the Central Intelligence Agency. With hostages in Iran and Soviet troops in Afghanistan, Capitol Hill seems ready to do anything that will make them look tough.

The problem is that an unrestrained CIA is what helped us get into these messes. The CIA put the Shah of Iran on his throne in 1953. Other covert actions have helped to entrench some of the most infamous regimes around today (Pinochet in Chile, for example).

The chief Soviet explanation for the invasion of Afghanistan is that it had to defend an ally from enemy infiltration. Some official statements have charged CIA involvement with the Moslem insurgents.

I don't know whether the CIA really is helping the Afghan rebels; it's a moot point anyway. The important part is that the Soviet Union can make such a charge con-

vincing enough that France and other countries are treating the invasion as not so big a deal as to warrant trade sanctions and Olympic boycotts.

When President Carter took office, he proposed a new charter to define just what the CIA is and isn't supposed to do. This proposal got bogged down in negotiations between the White House and the Senate Select Committee on Intelligence. Sen. Walter Huddelston (D-Ky.) is now going to introduce his own charter bill, but it may not get very far without being amended into meaninglessness.

Seven other senators are sponsoring another CIA bill, which would exempt the agency from the Freedom of Information Act, making it a crime if individuals or the press act "with intent to impede intelligence activities." It would also repeal a 1974 requirement that the agency tell congressional committees about its covert activities. And that bill may only be the beginning.

The CIA needs more restraint, not less. We're now paying for the agency's loose past, and should be learning a few lessons from that past. Restricting the CIA to collecting and analyzing information will, over time, help restore America's tarnished image in the world.

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SNEPP/STOCKWELL

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8 March 1980

EDITORIAL

INDECENT
HASTE

The U.S. Supreme Court has disgraced itself in a rush to punish Frank Snepp, author of an unauthorized book on the Central Intelligence Agency. It deprived him of his First Amendment rights and his earnings without even considering oral or written arguments in his behalf and, in doing so, seriously curtailed the American people's ability to learn what their Government is doing and to control its abuses.

What inspired the Court's headlong vindictiveness? We suspect that the Justices who made up the majority were caught up in the current national mania for "revitalizing" and "unleashing" the C.I.A. That makes it all the more urgent to defeat the Carter-Moynihan campaign to relieve the C.I.A. of the small measure of accountability imposed on it. No longer can we expect First Amendment protection for those who provide unauthorized accounts of the Agency's activities—like Snepp's book, *Decent Interval*—that replace the authorized reports we should get, but do not.

Perhaps another factor in the Court's unprincipled action was the recent disclosure of some of its own secrets in Bob Woodward and Scott Armstrong's *The Brethren*. That would explain the language in the decision permitting any governmental agency to punish employees and former employees who leak information of any sort to the press—like the former clerks who talked to Woodward and Armstrong.

If that is true, it was Frank Snepp's misfortune—and ours—that his case reached the Supreme Court when the Justices were driven by such passions. As Anthony Lewis wrote in *The New York Times*, in the Snepp case the Court showed "contempt for the rule of law." The only recourse now for those dismayed by the decision is to let the Justices know that in the process the Court has earned contempt for itself.

ARTICLE APPEARED
ON PAGE A-22NEW YORK TIMES
6 MARCH 1980

Kissinger Loophole, Public Runaround

Even if Henry Kissinger broke the law when he removed Government records from the State Department, and even if the State Department was wrong to let him do it, there is no way anyone can now see those records except on Mr. Kissinger's terms. That is the frustrating result of Monday's Supreme Court decision, which created a loophole in the Freedom of Information Act big enough for high officials to walk through.

As Secretary of State, Mr. Kissinger had secretaries listen in on his telephone conversations and transcribe them — some 15,000 pages of transcript in all. He and his staff used these records in their work. In the final weeks of his tenure, Mr. Kissinger might have gone through the regular channels and asked permission from the National Archivist to take some of these transcripts home. Instead, he consulted the State Department's legal adviser — his subordinate — who gave his opinion that the records were the Secretary's personal property.

Mr. Kissinger then carted the notes away to a vault on the Rockefeller estate in Westchester. From there they went to the Library of Congress as a personal gift — subject to Mr. Kissinger's control of access for at least a quarter-century.

Some historians and journalists, troubled by Mr. Kissinger's hoarding of such important historical papers, filed suit to look at them under the Freedom of Information Act. Lower courts ordered the Library of Congress to return the material to the State Depart-

ment, so that the process of sorting out public, secret and private information could begin.

But now the Supreme Court, through the words of Justice Rehnquist, says that none of the hard questions about ownership and access to records need to be answered. Why? Because the State Department can't be ordered to deliver what it doesn't have. And the Library of Congress can't be ordered to return what it does have because the information act doesn't allow citizens to sue the library. Maybe it could be sued under laws defining which records go to which archives — but only the State Department could file that suit.

Impeccable chop logic thus lets the Court construe strictly — against the citizen — laws whose very purpose was to increase public access to official information and to make Government handle its records in an orderly manner. Contrast this with the Court's much more inventive response, just two weeks ago, to the case of Frank Snepp: it there created a Government right to sue the former C.I.A. agent and recover the earnings from a book he had published without Government approval. *That* decision was the kind of invention that the Court often says must be made by Congress.

Congress could not have intended to let officials and agencies subject the public to such a runaround with the Government's information. It has amended the Freedom of Information Act in the past to correct narrow Supreme Court interpretations. Another amendment is now necessary.

ARTICLE APPEARED
ON PAGE B1-9

THE WASHINGTON POST
6 March 1980

RICHARD COHEN

Can Court Take Away A Constitutional Right?

THE SUPREME COURT has Frank Snepp III all wrong. It must think of him as some sort of threat, a journalist of some sort, one of those awful types who try to find out the secrets of others by getting someone to spill the beans and break a confidence. This may be why Snepp got mauled by the courts in what lawyers call a summary judgment; but what Snepp, a former CIA agent, might call something else: termination with extreme prejudice.

Snepp joined the CIA in 1968 and spent part of his time in Vietnam. He was there at the end, and he wrote a book about it called "Decent Interval" in which he was critical of the CIA, blaming intelligence failures for the unseemly haste in which we departed that country. Snepp thought we should have been more methodical in exiting, going slower and making sure, in the process, that we took our friends with us.

Snepp believes, or believed, in the Vietnam war itself, that it was right—a just cause. He thought the war could have been won and that we should have won it. Frank Snepp is no liberal. He is, instead, your classic spook, a little cold for my taste, a little arrogant for some others, very conservative. Still, you have to like him.

The reason I like Snepp is that he wrote that book we just mentioned. I like people who write books and tell what they think they have to tell. I like information and I don't like efforts to cur-

tail either the gathering of it or the publishing of it. This is a selfish obsession with most journalists; we should be excused if we think others should share it. Most people, I know, couldn't care less. Frank Snepp was probably one of those. He isn't anymore.

When Frank Snepp went into the CIA he signed an oath. Part of it promised that he would "not publish any information or material relating to the agency, its activities or intelligence activities generally, either during or after the terms of [his] employment" without specific approval of the agency. It doesn't take a lawyer to tell you what this oath means.

Snepp violated that oath. He wrote his book without first submitting it to the CIA for clearance. The agency promptly went to court even though it conceded Snepp revealed no secrets. It sued and the federal judge, a government type named Oren Lewis, bellowed from the bench that Snepp was guilty, no ifs-and-FirstAmendments about it. He ordered Snepp to forfeit all his royal-

ties and forbade him from publishing any other books about the CIA without first submitting them to the agency.

Snepp put his royalties in escrow and appealed. He won a mixed victory, and so both he and the government appealed to the Supreme Court, where the original verdict was reinstated. The court said that the CIA was right and Snepp was wrong and the money had to be forfeited. Snepp is the first writer in American history to reach the 100 percent tax bracket.

Snepp's case is a difficult one. He did sign that oath. In fact, he signed two. The second referred only to classified information and so Snepp said he did not feel constrained from writing his book. No matter. He did not do what he knew he had to do—submit the book first to the agency for clearance. He did not do that, he said, because his book was going to be critical of the agency—no secrets spilled, but some blood drawn.

There are a host of issues at stake here. Is it reasonable to hold someone forever to an oath signed under one set of circumstances when those circumstances have substantially changed? Is it reasonable and unfair to ask someone to submit for possible censorship a book critical of an agency to that very same agency? Is it right to deprive someone of all his profits from a book when that book, had it been submitted to the CIA, would

have been published anyway? (Remember, there are no secrets in the book.)

But more than that: can someone be required as a condition of employment to sign away his First Amendment rights? Can you, in fact, sign away these rights as if there were a footnote in the Constitution that says "does not apply to CIA"? Will Congress be allowed to ask staff members to sign these oaths, and can your boss ask you to do it, too?—just to be on the safe side, you understand.

I have my answers to all these questions and they are, predictably enough, the sort you would expect from a newspaperman with a religious belief in the inviolability of the First Amendment. I can imagine, though, that others would see things differently and that the signed oath in the Snepp case—the breaking of that promise—might bother them.

But what I couldn't imagine is how the trial court, and then later the Supreme Court, would treat the whole matter as a simple breach-of-contract case, ignoring the First Amendment issues and, in the case of the Supreme Court, asking for no oral arguments or briefs. It ruled in a summary fashion as if this were a landlord-tenant dispute or a quarrel between two parties that had nothing to do with the rest of us.

The case deserved better treatment than that. Its handling makes you think that the court got Snepp confused with someone else—maybe, say, a clerk intent on writing about the Supreme Court itself or telling secrets to some journalist. What's wrong about this view is that Snepp told no secrets.

The outcome of the case is clear. The CIA won. The rest of us lost.

ARTICLE APPEARED
ON PAGE **A-27**NEW YORK TIMES
5 MARCH 1980

Hiding C.I.A. Blunders

By William Wilson

ST. LOUIS — From its inception, the Central Intelligence Agency has often failed in its duties and responsibilities to the American people. Despite the long list of its intelligence failures, or perhaps because of them, the C.I.A. has proposed a charter revision that would enable it to conceal all incompetence in the future by sealing its records from individuals seeking information on possible agency wrongdoing or seeking redress for grievances. If the law locked the files, citizens would be denied the right to recover damages when they were hurt by the agency.

C.I.A. secrecy can change history. In 1973, several so-called African revolutionaries arrived in New York City and handed a passionate appeal to the United Nations General Assembly urging African states to support the Western-backed forces in the Angolan civil war. Later, in news conferences and informal meetings with reporters in New York and Washington, they described the glorious victories of their democratic forces and the horrid atrocities of their enemies. They appealed for more money and arms to fight their good fight. You might remember that they were heroes.

Unfortunately, the entire affair was the product of the imagination of a C.I.A. group operating under the code name PLIACADMUS, which denoted the propaganda arm of the C.I.A.'s clandestine Angolan operation. Some of this information was made public in the book "In Search of Enemies," by John Stockwell, who was the C.I.A.'s Angolan task force commander. But you wouldn't be able to know that if the proposed charter revision had been law, unless someone had decided to spend 10 years in prison for the privilege of informing you.

The public and the news media were impressed with the C.I.A.'s sideshow, and so were Gary Acker and Daniel Gearhart, and they decided to join these "heroes." A C.I.A.-hired recruiter made all of the arrangements. So the public was duped and a couple of guys were used. Within days of their arrival in Angola, Mr. Acker and Mr. Gearhart were captured by Cuban soldiers and soldiers of the Popular Movement for the Liberation of Angola, and in 1976 were tried as mercenaries of the National Front for the Liberation of Angola. The State Department in effect joined the enemy Angolans as accusers, charging that the Americans had "gone over there on their own in violation of U. S. law"; the C.I.A., going a step further, said that it was "not very interested" in them. If the proposed charter revision were law at the time, that's all you would be able to remember — except that Mr. Gearhart was executed by a firing squad and that Mr. Acker is still serving his 16-year sentence, in Luanda, Angola. The C.I.A.'s duplicity would remain secret forever and could not legally be disclosed — even to the family of the dead man. Even if the C.I.A. had provided exculpatory evidence, under the proposed charter it would have been illegal for me, as Mr. Gearhart's counsel, to have used it in defense of an American on trial for his life. The truth might have saved Daniel Gearhart.

Both Mr. Stockwell and Frank Snapp, a C.I.A. analyst in Vietnam and author of "A Decent Interval," state that the officers who left behind identification files of C.I.A. employees in Vietnam were rewarded with promotions and choice reassignments. After all, sloughing off numbers of Vietnamese is easy if C.I.A. secrecy can be assured, but if the American people are guaranteed access to the truth, then the agency's international reputation would suffer, and Americans might not be eager to join the next lost cause.

With the proposed closed system and with judicious manipulation of the news media by trained experts, the illusion of security might then be restored to full luster. And then we would not learn about, say, Dr. Frank Olson, a civilian biochemist at the Army's top-secret germ-warfare laboratories at Fort Detrick, Md., who plunged to his death from a Manhattan hotel win-

dow in 1953 days after C.I.A. agents gave him LSD in a drink in an experiment without his knowledge. He had gone to New York City to see a psychiatrist.

We wouldn't know, unless we remembered, that the C.I.A. trafficked in heroin. We learned that from the book "The Politics of Heroin in Southeast Asia," by Alfred A. McCoy, Cathleen V. Read and Leonard P. Adams.

We won't know, unless we can remember, that the intelligence agency cannot gather intelligence without major failures. It was unable to anticipate the danger to our embassy in Teheran and the likelihood of the Soviet invasion of Afghanistan. Of course it failed to predict the 1968 Tet offensive in Vietnam. Further, do we have to recall the humiliation of the United States at the Bay of Pigs? In other words, there were C.I.A. flascos both before and after restraints were introduced by Congress.

In 1963, Harry S. Truman, who instituted the C.I.A. during his Presidency, wrote: "We have grown up as a nation, respected for our free institutions and for our ability to maintain a free and open society. There is something about the way the C.I.A. has been functioning that is casting a shadow over our historic position, and I feel that we need to correct it." He is still right.

William Wilson, a specialist in human rights, is an international lawyer.

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ON PAGE B1

THE WASHINGTON POST
4 March 1980

VIP

Which presidential candidate has recently been in touch with former CIA agent John Stockwell, offering to set-up lecture and television appearances and "make opportunities" for him to continue to "be critical of the CIA and President Carter?"

Stockwell won't say. Not till he has decided whether or not to take him up on the offer.

The Justice Department filed suit yesterday against Stockwell for the profits from his 1978 book, "In Search of Enemies," which blew the whistle on CIA activities in Angola.

Earlier yesterday, Stockwell said that if the government sued him, he would probably accept the candidate's offer and spend the next year on the lecture circuit, "raising hell."

Stockwell is currently busy in two television projects. One, sponsored by the BBC and WGBH, the public television channel in Boston, is a film study of Cuban activities in Africa.

With a television producer, Stockwell has made a couple of trips to Cuba and is waiting now for visas from the African countries involved.

ARTICLE APPEARED
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THE WASHINGTON POST
4 March 1980

CIA Sues 2d Ex-Agent for Book Profits

By George Lardner Jr.
Washington Post Staff Writer

The Justice Department accused another former CIA officer-turned-author yesterday of violating his secrecy agreement with the agency and filed suit for the profits from his book.

Acting in the wake of a controversial Supreme Court decision that bolstered its censorship powers, the government charged CIA veteran John R. Stockwell with breach of contract for publishing the book without first submitting it to the CIA for review.

An expose of CIA operations in Angola in 1975-76, the book, "In Search of Enemies—A CIA Story," accused the agency of mounting covert military operations and then lying to Congress and the public to keep them secret.

A 12-year veteran of the CIA, Stockwell quit the agency in March 1976 after an eight-month assignment as chief of the CIA's Angola Task Force in Washington. The charges he made public at the time triggered a Senate investigation.

His book was published in 1978 by W. W. Norton & Co. of New York and went through four printings as well as a paperback edition.

The government's civil suit, filed in U.S. District Court in Alexandria, was patterned after a similar action upheld by the Supreme Court last month against former CIA officer Frank Snepp.

In that case, the high court sanctioned the CIA's secrecy agreement—under which employees promise to submit any writings about the agency for review—and held that the government may impose such restrictions even in the absence of an explicit agreement.

Now living in Austin, Texas, Stockwell said he was "a little surprised that, in an election year, the government would be so heavy-handed. Every newspaper I've read has been screaming about the Snepp decision."

In any event, Stockwell said sales of the book, which he estimated at about 40,000 copies including the paperback editions, have peaked out. "Every penny I made from it has long since been spent," he declared. He said he is now working on other projects as a freelance television journalist.

The government said in the suit

that Stockwell had been "unjustly enriched" by profits, advances, royalties, "and other advantages" stemming from the book and it asked the courts to order an accounting and to direct Stockwell to "relinquish the proceeds."

Under an agreement he signed on joining the CIA in 1964, Stockwell pledged "not to publish or participate in the publication of any information or material, relating to the agency, its activities or intelligence activities generally," even after leaving the CIA, "without specific prior approval by the agency."

IN the foreword to his book, he said he did not feel bound by the agreement because his CIA recruiters had lied about the true nature of the agency's clandestine services, because he was convinced they needed reform, and because he felt his right to freedom of speech took precedence.

The Supreme Court dismissed the First Amendment argument in a footnote to its Snepp decision, saying "the government has a compelling interest in protecting both the secrecy of information important to the national security and the appearance of confidentiality so essential to the effective operation of our foreign intelligence service."

Although he signed the standard secrecy form on joining the CIA, Stockwell said yesterday he refused to sign the so-called "exit agreement," repeating the promise, when he left. He recalled debating about it with a CIA security officer.

"He spent about 30 minutes trying to persuade me to sign and I spent 30 minutes saying no," Stockwell said yesterday. "I said, 'You're not paying me any money anymore. Why should I sign a contract saying I'll do something for you?' It never occurred to him to ask whether I planned to write a book."

Stockwell has accused both former secretary of state Henry A. Kissinger and former CIA director William Colby of lying to Congress about the CIA's Angolan operations. He maintains the activities paved the way for massive Soviet and Cuban intervention in the civil war there. The Soviet-backed faction won.

Stockwell yesterday also chided CIA Director Stansfield Turner for suggesting that whistleblowers such as himself get "huge advances" for their CIA exposes.

"Anybody knows that you don't get huge advances for books like that," Stockwell said, indicating his advance came to about \$20,000. "If my book made \$50,000," he said, "it also cost me \$10,000 in research and travel costs and, I'd say, about \$15,000 in taxes. That leaves about \$25,000 to pay the rent and everything else for three years. By comparison, I would have made about \$95,000 working for the CIA."

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ON PAGE 6-9

THE NEW YORK TIMES
4 March 1980

Third Ex-C.I.A. Agent Sued by U.S. for Profits

WASHINGTON, March 3 (AP) — The Justice Department filed suit in Federal District Court in Alexandria, Va., today to obtain the profits of a book on activities by the Central Intelligence Agency in Angola written two years ago by a former agency employee, John R. Stockwell.

On Feb. 20 the Supreme Court upheld the Government's victory in a similar suit against Frank Snepp, a former C.I.A. agent who wrote an unauthorized book on the agency in Vietnam, "Decent Interval."

Also pending is a suit to seize the profits from two books disclosing the names of C.I.A. agents in Western Europe and Africa that were written in part by Philip Agee, a former agent. The Court upheld the Government's authority to enforce the agency's secrecy agreement that all employees are required to sign.

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THE WASHINGTON STAR (GREEN LINE)
4 March 1980

Justice Dept. Sues Ex-Agent Over Book About the CIA

By a Washington Star Staff Writer

Armed with a recent Supreme Court ruling establishing the government's right to review before publication manuscripts by intelligence agency employees, the Justice Department yesterday sued former CIA agent John R. Stockwell for any profits from his 1978 book about U.S. activities in Angola.

In a civil suit filed in U.S. District Court in Alexandria, the Justice Department asked that Stockwell be forced to put into a trust any money obtained from his book, *In Search of Enemies: A CIA Story*, or from ancillary rights, such as a movie.

Stockwell, a 12-year CIA officer, charged in his book that CIA Director William E. Colby and Secretary of State Henry Kissinger lied to Congress and the American public about the nature of covert U.S. operation.

The Justice Department suit was patterned after another government case filed against former CIA officer Frank Snepp, who had written an unauthorized book, *Decent Interval* about the CIA in Vietnam.

In Snepp's case, the District Court in Alexandria ruled that he had violated his contract with the CIA that called for agency approval of any publication. The Supreme Court, in a controversial decision last month, upheld the ruling against Snepp and ordered that any money he made from his book be returned to the government.

When W.W. Norton & Company Inc. published his book, Stockwell justified his failure to clear it through the agency with three reasons. He said the agency had lied to him when it assigned him to work on covert operations in Angola in 1975 and 1976, that the CIA needed reform and that his First Amendment rights overrode any contract he had with the agency.

Stockwell has said that the book, which sold about 40,000 copies, only made about \$25,000 after expenses and that he has long since spent that money.

— Allan Frank

ARTICLE APPEARED
ON PAGE V-3LOS ANGELES TIMES
2 MARCH 1980

Snepp and the CIA:

A Few Troubling Questions Remain

By JIM MANN

WASHINGTON—In November, 1977, ex-Central-Intelligence Agency operative Frank W. Snepp III undertook what was, in retrospect, one of the most extraordinary book-promotion ventures in American history.

Snepp, who had been stationed in Saigon at the time of the frenetic U.S. departure from Vietnam in 1975, had just completed "A Decent Interval," a book charging that the CIA had improperly abandoned thousands of South Vietnamese employees and collaborators at the end of the war. In what is by now the customary fashion, Snepp and his publisher, Random House, had carefully leaked copies of the manuscript to major newspapers and had made Snepp available for an interview on CBS's "Sixty Minutes"—all neatly timed for the days before the book was published.

As a commercial venture, it seemed to work. "CIA books never sell, particularly books about Vietnam," said Snepp recently. "The \$22,000 advance I got from Random House was as much as I expected to make. It was a surprise to everyone this book did so well."

Now, as the result of a Feb. 19, Supreme Court decision, it turns out that Snepp's work in writing and promoting his book was all for the financial benefit of the same U.S. government he had decided to criticize.

By a vote of 6 to 3, the high court concluded that Snepp violated a valid secrecy-agreement he signed when he went to work for the CIA in 1978, promising to submit any writing about his intelligence work to the agency for its approval before publication. The court's majority concluded that this secrecy oath did not violate the freedom of speech guaranteed to Snepp by the First Amendment. It made little difference, the justices decided, that the government had not accused Snepp of divulging any classified material; the secrecy oath must be honored even for books based wholly on unclassified information. And the high court went a step further: Since Snepp had breached his relationship of trust with the CIA, it held, the federal government could seize every penny Snepp earned from "A Decent Interval."

Snepp's book advance, royalties and other profits from "A Decent Interval" now add up to about \$120,000. Since the Justice Department filed suit against him, that money has been sitting in an escrow account in New York City. Snepp has been living off loans from Random House, which, he says, has even had to forward him food expenses for the past year. Now, the money in that escrow account will be turned over to the U.S. Treasury.

From a distant perspective, the resolution of the Snepp case seems a uniquely American one. Snepp was not harmed, exiled or prosecuted for criticizing his government, as he might well have been in numerous other countries. Nor was he banned from publishing his book, as he might have been in Great Britain under that country's Official Secrets Act.

"A Decent Interval" was distributed, in just the form Snepp wrote and Random House edited it, to bookstores and libraries across the nation. The former CIA agent was allowed to get what he had to say off his chest. He was barred, however, from profiting from his writing; and in America's free-enterprise system, this may well be viewed as the ultimate punishment. Indeed, one might say that under no previous Supreme Court ruling has speech ever been so "free."

Snepp is also under court order, however, to submit anything else he writes relating in any way to intelligence to the CIA for its approval before publication. Snepp says he has been working on a novel about a CIA operative; apparently, the book reviewers at the CIA's headquarters in Langley, Va., must be given a chance to see how they like the plot, characters and descriptions before this work of fiction is set in type.

Technically, under the Supreme Court decision the CIA does not have the legal right on its own to edit or block publication of books by Snepp or other past employees. Instead, if the agency feels a book contains "sensitive" information about the CIA's sources or methods, the CIA would either have to persuade the writer to delete the material or persuade a judge that the disclosures are so damaging to national security that publication should be enjoined. This procedure may not qualify as censorship in the classic sense, but it would very likely have troubled Thomas Jefferson, who once wrote: "There are rights which it is useless to surrender to the government, and which governments have yet always been found to invade. These are the rights of thinking, and publishing our thoughts by speaking or writing."

Furthermore, the Snepp decision raises a few troubling questions about the rights of government employees, about the different ways in which high- and low-ranking officials are treated, and about the ability of the American public to get simple, straightforward, unclassified accounts of its government's policies.

The theory underlying the Supreme Court decision can be simply expressed. The secrecy agreement Snepp signed amounted to a valid contract, one which Snepp was obliged to obey. The contract did not violate his First Amendment rights, because under certain conditions the rights of government employees may be restricted in ways that those of other individuals may not. And seizing all the profits from Snepp's book is the only remedy which ensures the government that it will be able to require Snepp, in the Supreme Court's words, to "disgorge the benefits of his faithlessness."

As that language indicates, the high court's opinion

CONTINUED

seems clearly to reflect a strong moral disapproval of Snepp. It also seems aimed at trying to shore up the beleaguered CIA. Indeed, rarely in the past five years has a Supreme Court decision seemed motivated so much more by concerns of morality and social policy than by legal and constitutional analysis. The majority disposed of Snepp's First Amendment argument in a vaguely worded footnote. And it repeatedly spoke of its concern that national security interests not be endangered.

"Every major nation in the world has an intelligence service," said the court in its unsigned opinion. "Whatever fairly may be said about some of its past activities, the CIA (or its predecessor, the OSS) is an agency thought by every President since Franklin D. Roosevelt to be essential to the security of the United States and—in a sense—the Free World. It is impossible for a government wisely to make critical decisions about foreign policy and national defense without the benefit of dependable foreign intelligence."

Indeed, as the court concluded, Snepp hardly seems to qualify as an American hero. The secrecy agreement he signed and broke was the prerequisite to his getting a job with the CIA. He was not forced to sign it. He signed a second agreement upon leaving the agency, once again promising to get the CIA's approval for his writings. The lower courts found that he had negotiated the agreement with Random House to write a book before he left the CIA's employment. His and Random House's clandestine efforts to publish the book hurriedly and in secret had all the earmarks of a covert operation. While the book was being readied, Snepp misled CIA officials into thinking he would honor the secrecy agreement and submit to them the manuscript they knew he was preparing. In fact, CIA Director Stansfield Turner reportedly agreed to let Snepp interview agency officials as part of the research for his book, on the basis of Snepp's assurance he would let the agency review the completed manuscript. He did not do so. Instead, Snepp explained later that high-ranking CIA officials had leaked "self-flattering" accounts to the press, trying to whitewash the American failures in the withdrawal from Saigon, and that these press leaks somehow justified his failure to obey the agreement he signed. It was a curious, sometimes devious performance.

Nevertheless, in the end, Supreme Court decisions are supposed to be legal and constitutional analyses, not judgments of character. While the court's decision in the Snepp case had some precedent in earlier court rulings, it extended the principles of those decisions in an open-ended fashion, the limits of which will not be clear for some time.

The federal courts had previously held, in the 1972 case of ex-CIA agent Victor Marchetti, that the CIA has the right to go to court and obtain an injunction against publication of a book that divulges classified information in violation of a secrecy agreement. But in the Snepp case, the Supreme Court upheld the secrecy agreement even with regard to unclassified information. Could the CIA actually persuade a judge to enjoin publication of "sensitive" but unclassified material?

The Supreme Court had also held in earlier cases that in some instances government employees may enjoy fewer First Amendment rights than the rest of us. The justices have upheld several restrictions on the speech and petition rights of servicemen. These restrictions, however, follow along the traditional cleavage between civilian and military law or courts; Snepp, by contrast, was a civilian. The high court has also upheld the ban on partisan political activities by Civil Service employees in the federal Hatch

Act; but that restriction was enacted by the people's representatives in Congress, not imposed by a government agency.

Could all other government agencies enforce secrecy agreements against their employees in the way the CIA did against Snepp? Not easily, under the Snepp decision. The high court referred repeatedly throughout its nine-page opinion to the fact that the case involved "national security" and "foreign intelligence." Agencies such as the Department of Transportation will have a hard time finding national security justifications for restrictions on their employees.

Yet here again, the scope of the Snepp ruling remains unclear. The departments of Defense and State will probably be able to enforce the secrecy agreements they now require employees to sign. Could Energy Department employees working with data on petroleum reserves be similarly restricted? What about an economist working for the Federal Reserve Board or an Agriculture Department specialist working on foreign grain sales? Such questions may well be decided by subsequent court cases—after a decent interval.

For now, the legitimacy of the secrecy agreements depends to some extent on how they are enforced. Snepp complains that former Secretary of State Henry A. Kissinger, former CIA Director William E. Colby and other former high-ranking CIA officials were never required to submit their book manuscripts for review and were not taken to court for failing to do so. That seems a legitimate gripe; certainly, the CIA is most likely to take action against low-ranking officials and those it knows will be most critical of the agency's policies.

If only the high and the mighty are allowed to write about their lofty experiences in government, the American public will be denied the perspective of those who, like Frank Snepp, were out seeing things firsthand at the field level.

Jim Mann covers the Supreme Court for The Times.

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ON PAGE A-11

WASHINGTON STAR
1 MARCH 1980

James J. Kilpatrick

Beyond the Snepp case

Frank W. Snepp III, the faithless former agent of the CIA, got exactly what he deserved a couple of weeks ago at the hands of the U.S. Supreme Court. I haven't an ounce of sympathy for him. All the same, the Court's summary disposition carries some uneasy implications that demand sober thought. This was not the court's finest hour.

The fact were not in dispute. Snepp went to work for the CIA in 1968. At that time, as a condition of his employment, he signed a formal agreement. It began: "I, Frank W. Snepp III, understand that upon entering duty with the Central Intelligence Agency, I am undertaking a position of trust in that Agency of the government."

The pledge went on to commit Snepp not to publish "any information or material relating to the agency . . . without specific prior approval of the Agency." Note, if you will, that the agreement was not limited to any classified material. It covered "any" material. This was a contract. This was a trust.

But when Snepp resigned from the CIA in 1976, he set about "willfully, deliberately and surreptitiously" to breach his contract and to violate his trust. He published a highly profitable book, *Decent Interval*, that undeniably contained material relating to the agency,

and he did not seek prior approval of the manuscript.

It is not necessary to engage in learned disquisitions on the law of contracts or the law of constructive trusts in order to pronounce judgment in this matter. A man should keep his word. Simply as a matter of honor, and never mind the law, Snepp's conduct was indefensible. In ordering him to return his ill-gotten gains to the government, the Court imposed something close to perfect justice.

That much having been said, it remains to be said that the Court scarcely covered itself with glory. Instead of hearing oral argument in the regular procedure, the Court acted with precipitate haste. Six members put together an unsigned opinion that in one legalistic respect gave the government more than the government had even asked for.

In their rush to judgment, the majority justices failed to consider probable reactions and speculations. The press is understandably edgy these days about any matter that touches upon prior restraint. More mature consideration in chambers might have produced a reassuring paragraph emphasizing that the Snepp case in no way turned upon the First Amendment.

Secondly, the Court failed to foresee that its opinion would be interpreted as

applying to breaches of trust in government agencies generally. Thus the Court invited speculation that the court itself might demand a Snepp oath from its own future law clerks. After all, *The Brethren*, was based largely upon leaks and leads from Court employees.

The majority's inadequate opinion was matched by a surprisingly poor dissenting opinion from Mr. Justice Stevens. Ordinarily Stevens is pretty sound. Here he missed the point completely. The case had nothing on earth to do with "a citizen's right to criticize his government." The case involved nothing more than a breach of contract by an agent of the CIA. First Amendment rights of free speech never figured in the matter at all.

The whole purpose of the CIA's pre-employment contract is to protect the gathering of intelligence that is vital to our nation's security. Surely it would be a bleak day if every public servant who deals with "confidential" material, as distinguished from "classified" material, were required to enter into a binding contract "never" to write of his experiences without prior approval.

I like what the Court did to Snepp. But I would urge a narrow interpretation of this opinion before the notion spreads to other agencies that pre-employment gags are good things.

ARTICLE APPEARED
ON PAGE 23

NEWSWEEK
10 March 1980

PERISCOPE

The CIA May Sue Another Author

Following its legal triumph in the Frank Snepp case, the CIA is almost certain to sue John Stockwell, another former agent turned author. Stockwell's 1978 book, "In Search of Enemies," spilled actual secrets about CIA activity in Angola. The CIA was more upset by Stockwell's disclosures of covert information than by Snepp's "Decent Interval," which disclosed no classified information and which CIA director Stansfield Turner described as "circumspect." Snepp and Stockwell declined to submit their manuscripts to the CIA for a required security review before publication—and the Supreme Court has ruled that Snepp must hand over to the Justice Department \$118,000 he has received in royalties from his book. The CIA hasn't decided what to do about dozens of articles, speeches and interviews by other former employees.

ST. LOUIS GLOBE-DEMOCRAT
26 February 1980

Disagrees

Your Feb. 21 editorial concerning former CIA agent Frank Snepp's book, "A Decent Interval," contains at least one factual error which severely distorts your conclusion.

Snepp sold secrets to a book publisher, you contend, rather than an unfriendly government, which makes him "No Better Than (A) Foreign Spy," the editorial headline.

News accounts make it plain, however, that there was no classified or secret information in the book. No foreign government would have paid for Snepp's information.

His insider's account of Saigon's indecent end contains information that was secret only from the American public and harmful only to the interests of those in government whose callousness and stupidity it so incisively revealed.

The Supreme Court ruling will not serve to protect American security interests abroad. It will only protect government agencies who would keep their monumental blunders from public scrutiny while allowing the big fish like Kissinger and Colby to profit from their own self-serving, privately published accounts.

ANDREW AYERS

ST. LOUIS POST-DISPATCH
25 February 1980

Censorship Power Upheld

Insofar as the Central Intelligence Agency is concerned, the U.S. Supreme Court has for all practical purposes voided the First Amendment as a barrier to censorship by government. Acting on an appeal in a case involving a book by former CIA agent Frank Snepp, the high court has — without even hearing arguments or reading briefs — granted the CIA broad authority to screen the writings of its employees, past or present, prior to publication.

Mr. Snepp had written and published, without CIA clearance, a book, entitled "Decent Interval," about the agency's blunders in the 1975 U.S. evacuation of Saigon. He claimed that he breached his secrecy agreement as a CIA employee because the agency had already selectively "leaked" some details of its role in the evacuation in order to "protect its image." Basing its case on the theory that the secrecy agreement was an enforceable contract, the CIA sued to require Mr. Snepp to submit for clearance all future writing touching on the agency and to force him to hand over all royalties on his book. Even though the CIA did not claim that the Snepp book contained classified material, a federal district court ruled in favor of the government's censorship and royalty claims. The Court of Appeals for the Fourth Circuit upheld the ruling but said the so-called "constructive trust" entitling the the government to royalties would apply only in case the author wrote about secret matters.

Now the Supreme Court, in a summary action without even a signed opinion, has upheld the district court judgment and ordered it reinstated. This extraordinary

decision is not even based on a statute but on an agreement in which government employees in effect waive their First Amendment rights of free speech and press. The decision went even further by suggesting that government would have the power, on the basis of an employee "fiduciary obligation," to screen the writing of anyone with access to secrets even if no secrecy pledge was signed. This amounts to a grant of arbitrary authority for the control of information to top level officials, including those who regularly leak secret material to the press but who are not subject to challenge from above for violating secrecy agreements.

Admittedly an oath of secrecy, especially with respect to truly damaging information, imposes an ethical obligation on employees. But since it is an obligation that is almost universally observed, the blanket censorship authority now obtained by the government is indefensible. Existing statutes already make punishable the release of secret information that can harm the United States. The latest Supreme Court decision gives the government power to curb critics and whistle-blowers by injunction and suits for breach of contract. It implicitly recognizes, contrary to democratic principles, that those in authority know what is best for the people to know and should not have to answer troublemakers who reveal embarrassing secrets. To make matters worse, the six-member majority reached its judgment by an unprecedented procedural shortcircuit that brought an understandably sharp dissent from Justice Stevens, speaking for himself and Justices Brennan and Marshall.

BOSTON GLOBE
25 February 1980

The court uses a hatchet

The Snepp case, decided the other day by the Supreme Court, presented another of those instances in which national security needs seem to run headlong into constitutional protections. Such collisions can only be untangled by the most delicate efforts. In Snepp, the court failed that standard totally.

Frank Snepp is the former CIA agent who wrote a book, "Decent Interval," based upon his experiences with the agency as America withdrew from Vietnam. The book was published without prior clearance by the CIA, a violation of a contract Snepp signed upon joining the agency in which he promised to seek CIA clearance before publishing "any information" relating to the CIA.

The government sued Snepp, seeking a ruling that his contract with the CIA was valid, that he had violated it and that he should return the profits from the book's sale. Lower courts upheld the validity of the contract but said the government should undertake a separate action to reclaim proceeds from the book. The government was satisfied with that decision. It never claimed that anything in the book betrayed classified secrets and thus, in theory, the book should have cleared the CIA.

However, the Supreme Court not only upheld the low-

er courts but also ruled, without hearings and without requesting briefs, that Snepp must "disgorge the benefits of his faithlessness," amounting to some \$125,000. The dissenters said the court's decision to order the confiscation of the funds was without precedent. Further, the majority opinion was so broad that almost any federal employee with access to government secrets, whether or not he had a contract like Snepp's, might now be seen to need approval from his employers or former employers before publishing.

The court's handling of the matter was far too cavalier. It diminishes the breadth of First Amendment protections, at least for the little guys in government. (It will be a long time before any President or any ranking federal executive, who publishes his memoirs, finds himself hauled before a court.)

The government's need to protect its secrets is obvious, but the chilling effect of the Supreme Court's blunderbuss ruling on government employees seeking in the future to expose government wrong-doing or ineptness is obvious. The Snepp case required the delicacy of a scalpel; the court used a hatchet.

SCRANTON TIMES (PA.)
23 February 1980

Court Rightfully Upholds CIA Contract

The Central Intelligence Agency is legitimately entitled to protection of the information it gathers in the service of the federal government. And one of the instruments of that protection is the practice of requiring its employees to agree not to publish information about the agency without specific prior approval of the CIA. The agency has insisted the agreement is binding on personnel even after they leave the service of the CIA.

Ruling in a challenge to the validity of the agreement brought by former CIA officer Frank W. Snepp III, the U.S. Supreme Court has ruled that the agreement is an enforceable contract which applies to secret as well as non-secret information. In other words, the high court has determined that an agreement which is a condition of employment is a legitimate agreement and must be honored.

The decision also leaves it to the CIA to determine what information may be made public about its operations. That privilege flows from the agency's right to have the final word on what can be published and what cannot. While there

is a tendency among bureaucrats of any federal bureau to abuse this privilege, the principle stands. Points of difference of interpretation can always be made subject to negotiation between the parties involved as a check against abuse.

The court did not get into the First Amendment argument of Mr. Snepp's attorneys that the agreement represented a prior restraint on his constitutionally protected right of free speech. Prior restraint, however, assumes the absence of any contract. In this case there was a contract and it was freely entered into by Mr. Snepp.

Accordingly, the court held that any profits derived from this breach of contract rightfully belonged to the government. His earnings from his book about the CIA, *Decent Interval*, amount to some \$125,000, which is to be turned over to the government. The decision was proper and should discourage further violations of an agreement which is essential to the proper functioning of the CIA's vital intelligence gathering mission.

PHILADELPHIA BULLETIN
22 February 1980

Protect secrets, but expose flubs

The U.S. Supreme Court's decision in the case of the Central Intelligence Agency and its former agent, Frank Snepp, is a narrow one and avoids the central issues of the case. It is up to the Carter Administration or Congress, therefore, to address those issues.

The CIA sued Mr. Snepp for publishing in his book, "Decent Interval," an expose of bungling during the U.S. evacuation of Saigon in 1975, without submitting the text in advance to the agency, as required by a contract he had signed.

The Supreme Court ruled that the contract was enforceable, that it applied to nonclassified as well as classified information and that it can be enforced by making the author give the government all his earnings from the book, now about \$125,000.

Glossed over by the court are such vital issues as protecting whistle-

blowers in government service and the First Amendment rights of people like Mr. Snepp.

It's important to remember that the Mr. Snepp's book revealed no classified information — by the author's claim and by the government's admission. The case is a far cry from the government's actions against former CIA agent Philip Agee, whose books on the agency name agents and may endanger their lives.

In the narrow sense, the court may be right that prior-approval agreements are enforceable. But we don't think that gets to the heart of the matter.

The Federal Government's interest, as we see it, is to prevent publication of secrets having to do with national security. That's quite different from an interest in suppressing embarrassing information. It's too important to the

proper functioning of government for employees or former employees to be able to tell their real employers — the people — when something goes wrong with the system.

One particularly ominous aspect of the ruling is that it could readily be applied to other branches of the government. In view of the general bureaucratic distaste for criticism, it wouldn't be surprising to see such prior-approval requirements sprouting like daffodils in Washington.

The burden, we believe, is now on the Administration or Congress to direct federal agencies and departments to limit any such agreements only to information that should legitimately be kept secret. The alternative would be a government licensed by the Supreme Court to hide its own blunders under a protective blanket.

LEXINGTON LEADER (KY.)
21 February 1980

Cornered

By Bob Fain

Here's still something else which we are not able to understand:

You read about the ex-CIA guy, Frank W. Snepp III; the one who wrote a book about his experiences as an agent with the CIA after having promised that he would not.

Well, as you recall from last time, the CIA sued Snepp; and the Supreme Court upheld the CIA, saying in effect that a promise is a promise. The court added for good measure — mighty good measure, too, if you ask us — that Snepp has to give to Uncle Sam all the smirchy gains from his book.

A lot of people have gotten upset over this. There is no cause for anybody to get upset, least of all Snepp.

Writing books is just like any other job when it comes to money. Take your job. You made how much last year? And you had to pay Uncle Sam how much of that in taxes? See? It all comes out even, no matter if you work down at the store or if you write books about the CIA. Uncle Sam gets all you got either way.

That's the way it is with Uncle Sam, unlike others: We have seen him takething but we have never seen him givething.

Today's metre murder

He's a mighty lucky fellow.
If that's the proper word;
They took away his money
But let him keep his IIIrd.

LOS ANGELES TIMES
21 February 1980

An Unprecedented Vote for Censorship

The U.S. Supreme Court, in a 6-3 decision, has upheld the authority of the CIA to require its employees to sign an agreement prohibiting them from disclosing "any information" about the agency without prior CIA approval.

In doing so, the court, in the words of dissenting Justice John Paul Stevens, imposed "a species of prior restraint on the citizen's right to criticize his government." Moreover, it acted without granting a formal review or asking for full legal briefs.

This is not to argue that the case before the court was a simple one, or that questions of national security are to be dismissed lightly. The case was not a simple one, and classified information must be protected. But again this court brushed aside all First Amendment considerations.

The dispute arose when a former CIA officer, Frank W. Snepp III, published without the agency's permission an account of the fall of Saigon. Snepp signed an agreement when he joined the CIA in 1968 that he would disclose no information about the agency without official approval. He signed another agreement to that effect when he left the CIA in 1976. He violated both agreements by publishing a book without CIA approval or review in 1977. The government did not contend that Snepp divulged secret information, but brought a civil action against him for breach of contract.

Snepp, in his defense, argued that the secrecy agreement constituted prior restraint, that it thus violated the First Amendment and was therefore

unenforceable. He also maintained that it gave the CIA the right to suppress only classified information, and that it could not be invoked to penalize the disclosure of unclassified material.

The Supreme Court did not confront the First Amendment argument, but simply said that Snepp had violated his trust, and that the nature of the disclosure was irrelevant. The purpose of the agreement, the court said, was to insure that the CIA, and not an individual employee, has the authority to decide what information can be disclosed.

That decision, including as it does unclassified material, is far too broad, giving the agency complete powers of censorship on information that, while it may embarrass the CIA, does not affect national security. And this power presumably will be extended to other government agencies, including the Treasury and Energy departments, that require employees to sign secrecy agreements.

An ideal situation would be one in which both free speech and secret information would be protected. A year and a half ago, William Colby, a former CIA director, proposed a narrow law under which present and former government officials could submit to prepublication review but would not be compelled to do so. However, if they published without review they would suffer prosecution for disclosing secrets.

This approach has its risks, but they are less than the power of censorship now granted by the court to federal agencies in a decision that Stevens called "unprecedented." □

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SOVIET SPIES

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THE CHICAGO TRIBUNE
6 March 1980

Briton says Soviet trade inspectors may be spies

LONDON [AP]—The Soviet Union and its Eastern bloc allies may be using official trade inspectors as spies, a Conservative member of Parliament charged Wednesday.

Cyril Townsend, a right-wing MP in Prime Minister Margaret Thatcher's party, said the threat comes from 215 East European trade inspectors in Britain to monitor the manufacture of goods for export to the Soviet Union and its allies.

He did not offer any evidence to substantiate his claim.

Foreign Office Minister of State Peter Blaker said in reply to Townsend's charges that there are 65 Soviet inspectors in Britain. He said there is no legal limit on their numbers but that they have to show they are needed under the terms of any given contract.

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WASHINGTON STAR (GREEN LINE)
5 MARCH 1980

The World

■ French Expel Alleged Soviet Spy

MARSEILLE, France — For the second time in three weeks, a Soviet diplomat assigned to this Mediterranean port city was been ordered out of France for alleged spying, French officials said yesterday.

They said Viatcheslav Frolov, press attache at the Soviet consulate, left France Feb. 28. They did say whether it was linked to a earlier incident, when Soviet consular officer Guenadi Travkov was ordered out of the country.

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THE WASHINGTON POST
5 March 1980

Show and Tell at the FBI

IT HAS BEEN quite a month for the FBI. Between Feb. 3, when the Abscam operation made its first headlines, and March 3, when the latest defecting spy was unveiled, the bureau managed to be in the news almost every day. The most recent of its chest-thumping stories offered the silhouette (complete with pipe) of Col. Rudolph Albert Herrmann, said to be a bagged KGB agent.

The whole show, reminiscent of one of those congressional hearings where the witness has a paper bag over his head to protect his identity, seemed to us stagey, hokey, melodramatic and anticlimactic—in other words, something that trivialized the larger KGB effort, not something that made people aware of either its seriousness or its size.

As the last of the month-long series of disclosures, the Herrmann case rounds out the picture of an FBI hard at work. There were its investigations of political corruption, both federal (Abscam) and state (Brilab). There was the crackdown on a national pornography ring (54 arrests). There was the leak concerning an investigation into ties between organized crime and the gambling casinos in Las Vegas. There was the released

document revealing the "old" bureau's tolerance of violence by its informers against civil rights workers. There was the resigning official's allusion to five caught and expelled spying diplomats. And now there is this scene from its war against the KGB.

Why all this has come pouring forth within the space of a single month is not clear. Coincidence? Perhaps—investigations do come to an end, sometimes unexpectedly. Budget time? The late J. Edgar Hoover was a genius at focusing attention on the bureau when it wanted something. Time to embarrass the Soviet Union by "uncovering" one of its agents? Time to stir up Americans over the menace of the Reds? Or merely time to demonstrate that the FBI is back at the old stand after the period of confusion prompted by Mr. Hoover's death and the disciplining of some of its top leaders for authorizing black-bag jobs and other illegal investigations?

Who knows? The one thing of which we are certain is that if—as some suggest—this image-making burst is regarded by people at the bureau as a way of proving it is more open, accessible, on the record and up front—well, forget it.

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THE WASHINGTON POST
4 March 1980

FBI Discloses How Soviet Spy Switched Sides

By Charles R. Babcock

Post Staff Writer

FBI officials surfaced a Soviet intelligence colonel at an elaborate news conference yesterday to explain how they turned him into a "double agent."

Col. Rudolph Albert Herrmann of the Soviet KGB spoke to reporters from behind a frosted glass screen with his voice altered to protect his new identity.

He described his 11-year-long mission of collecting political intelligence and arranging secret exchanges of information with other Soviet intelligence operatives while he was posing as a free-lance photographer in the suburbs of New York City.

The publicity was designed to show the American public what Soviet intelligence was up to in this country, an FBI spokesman said officially in a tone reminiscent of the Cold War.

Unofficially, sources said the disclosure also was designed as a slap at the Soviet Union, in the wake of deteriorating relations with the United States since the Soviet invasion of Afghanistan, and to observe how Soviet intelligence would react.

Despite the hoopla of the briefing, Herrmann's story was not the stuff of James Bond spy novels. It didn't even match the drama of the more modern antihero spy stories of John Le Carre.

Herrmann spent his time, he said, acting as a sort of clandestine political reporter, collecting information from public, not classified, sources. He worked diligently to blend into his Hartsdale, N.Y., neighborhood, spent lots of time preparing his income tax returns, even designating \$1 a year for the presidential campaign fund.

He set aside time each weekend to listen for coded messages transmitted to him from Moscow. And from time to time he traveled, to Fayetteville, Tenn., to Chicago, to El Paso, to locate or recover information from designated "dead drops."

Herrmann said he once got orders to send an anonymous letter to American space officials saying that an Apollo manned flight was sabotaged. The space agency sent the letter to a "crank letter" file. The flight went off as scheduled.

Another time he tried to get close to an unnamed presidential candidate, but only bumped into him once accidentally at the San Francisco airport.

For his efforts, he got promoted several times, he said.

Though his experiences didn't sound particularly glamorous, American counterintelligence specialists were pleased about catching and turning Herrmann to their side in a clandestine battle of wits where victories are difficult to measure.

Homer Boynton, executive assistant director of the FBI, said Herrmann was considered a "big fish" among Soviet intelligence officers who are here illegally—in contrast to the "legal" spies who operate under diplomatic cover at the Soviet Embassy here or the U.N. mission in New York.

According to the FBI presentation, Herrmann began his career with the KGB while serving in the military in a Soviet-bloc country in Eastern Europe. He was infiltrated to West Germany, then Canada, and finally in 1968 to the United States.

He apparently was identified "a number of years ago"—the FBI wouldn't be more specific—when another spy under diplomatic cover was followed to a drop site and Herrmann showed up a short time later.

When confronted by the FBI, he chose to cooperate rather than face prosecution. He was said to be particularly anxious to prevent the KGB from training his teen-age son as a spy too.

Boynton maintained that the value of an agent like Herrmann to the Soviets would be enhanced if intelligence officers with diplomatic cover were forced out of a country.

Boynton said operatives such as Herrmann, when turned around, are useful in confirming knowledge about Soviet techniques, such as the coded letters Herrmann sent to Moscow by way of front addresses in Europe.

One source said later that several other Soviet intelligence officers left the country hurriedly last year when they became aware that Herrmann had been "doubled" by the FBI.

On Andover Road in Hartsdale, N.Y., the neighbors of the Soviet spy said the family was "friendly but kept to themselves." The family moved five months ago, leaving much of its furni-

CONTINUED

ture behind. The house is still up for sale, for \$85,000.

Neighbors said they had fond memories of the family. Inga Herrmann volunteered to help with therapy treatments for a neighbor boy with cerebral palsy.

Son Michael, 15, mingled freely with the children in the area. He told playmates his father was Czechoslovakian.

Another son, Peter, told neighbors he was a student at Georgetown University.

Family members told others they traveled often during the summer, to their homeland Germany, they said. The FBI said Herrmann periodically traveled to Europe, where he picked up a different set of documents and continued on to Moscow for debriefing and additional training. His most recent trip was in 1977.

Herrmann was known to his neighbors as a free-lance film producer. The family had two cars, a Checker and a Mercedes, though Herrmann said yesterday that his KGB masters gave him little more than expense money for his trips.

The KGB colonel, who said he was about 45, said he never tried to recruit Americans to give him classified military secrets.

Yet he said he felt he had harmed the United States in the days before he went to work with the FBI by transmitting sensitive information collected by other spies and by identifying American citizens about whom Moscow was curious.

Herrmann said he thought he was caught by the FBI because of a mistake by his Soviet handlers and noted that he was appearing at the news conference as part of his "deal" to cooperate with the FBI.

Boynton said Herrmann is the first "illegal" KGB agent to be identified publicly without being prosecuted. The most notorious case of a non-diplomat KGB official involved the exposure of Col. Rudolph Abel in 1957. Like Herrmann, Abel operated out of a photography shop in New York.

Unlike Herrmann, Abel spent his time microfilming U.S. military secrets and was tried and convicted. He later was exchanged for U2 pilot Francis Gary Powers, who was shot down on a flight over the Soviet Union in 1960.

When the Herrmann family left its home in Westchester County five months ago, they told neighbors they were going to Guatemala. Instead, according to the FBI, they will be relocated with a new identity somewhere in the United States.

Staff writer Lee Lescaze contributed to this article.

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ON PAGE D-16

THE NEW YORK TIMES
4 March 1980

Double Agent, Revealed by F.B.I., Tells of Technique

By ROBERT PEAR
Special to The New York Times

WASHINGTON, March 3 — A former Soviet spy who worked for several years as a double agent supplying information to the United States made his public debut today, describing methods of the Soviet spying craft, his role in identifying other Soviet agents and his early quest for information about American politicians.

The former spy, identified by the Federal Bureau of Investigation as Col. Rudolph Albert Herrmann, has been given asylum in this country with his wife and adult son. He had worked as a freelance photographer while living in Hartsdale, N.Y. and said he had had a photography business in New York City.

Colonel Herrmann, now with a new identity and appearance, sat behind an illuminated screen, with only a silhouette visible to reporters, and puffed on a pipe as he answered questions at the F.B.I. headquarters.

A bureau spokesman said that the colonel, a veteran of the K.G.B., the Soviet Committee for State Security, which is in charge of foreign intelligence, was speaking through a device that would disguise his voice.

The colonel, a citizen not of the Soviet Union but of an unspecified Eastern European country, did not obtain classified information or military secrets in this country, nor did he recruit United

States officials, according to the F.B.I. But the colonel said that he had supplied the Kremlin with "some information which could be called detrimental to the interests of the United States." He did not elaborate.

While working for the Russians, the colonel also unsuccessfully sought to thwart a manned American space mission.

The reason for exposing Colonel Herrmann was not clear, nor was it clear how the bureau established that he was no longer reporting to the Russians.

Colonel Herrmann said that he appeared in public "as a part of my deal with the F.B.I." He said, "Either I would cooperate with the F.B.I. or I would be given to the prosecutors." Homer A. Boynton Jr., an executive assistant director of the bureau, said the colonel might have been prosecuted as a spy, had he not cooperated.

The publicity about Colonel Herrmann was evidently designed to embarrass the Russians at a time of heightened Soviet-American tensions.

Reporters asked Mr. Boynton whether today's news conference might be intended to influence Congress as it begins to review the bureau's proposed budget for next year. Mr. Boynton rejected this suggestion. State Department specialists on the Soviet Union said the initiative for unveiling Colonel Herrmann had come from the Justice Department, of which the F.B.I. is a part.

Colonel Herrmann said that he tried to "get close" to unspecified candidates in Presidential election years so that he would have "some type of foot in the door" if they were elected. According to the bureau, the colonel, who said he was about 45 years old, sought information about American attitudes toward Soviet-American trade negotiations, the proposed neutron bomb and détente.

Mr. Boynton characterized Colonel Herrmann as a "big fish" among those Soviet intelligence operatives known as "illegals" because they do not have the legal cover of diplomatic posts. The colonel said he communicated with Moscow directly.

Colonel Herrmann's 25-year career with the K.G.B. began, according to the American authorities, in the 1950's while he was serving in the military of a Soviet bloc nation. He received his initial training in the use of codes, invisible ink and other espionage techniques in East Germany, according to the F.B.I. In 1958, he said, he went as a phony refugee to West Germany and "apparently they accepted me."

Colonel Herrmann then lived six years in Canada and entered the United States in 1968. Mr. Boynton said that Colonel Herrmann had begun working for the United States "a number of years" ago, but he refused to be specific.

According to the F.B.I., the colonel's unsuccessful attempt to force an embarrassing delay of an American space flight was one of his first missions for the K.G.B. The Russians furnished Colonel Herrmann with the text of a letter that he was to send anonymously to the American authorities, warning that the space vehicle might be sabotaged, the F.B.I. said.

Miles M. Waggoner, a spokesman for the National Aeronautics and Space Administration, said that the letter dealt with the Apollo 8 voyage to the moon, launched on Dec. 21, 1968. The letter was placed in a file of "crank letters" and did not interfere with the space flight, Mr. Waggoner said.

Mr. Boynton said that no K.G.B. agents had been caught as a result of Colonel Herrmann's conversion although, he said, the former spy helped identify or confirm the identification of "illegal support agents" attached to various Soviet offices in this country.

American officials said that the operation was ended because of a growing fear that the K.G.B. suspected Colonel Herrmann's cooperation with American intelligence officials. Another factor, they said, was that Colonel Herrmann's son, also a former spy, had been ordered to return to Moscow for advanced training with no guarantee that he could come back to the United States.

In discussing Colonel Herrmann, F.B.I. officials recalled earlier Soviet espionage cases. Colonel Herrmann appeared to be less important than Col. Rudolf I. Abel, the spy who operated in the United States for nine years before his arrest in 1957. Colonel Abel was exchanged in 1962 for Francis Gary Powers, the pilot of a U-2 reconnaissance plane brought down over the Soviet Union.

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THE BALTIMORE SUN
4 March 1980

Soviet turncoat details double-spy role in U.S.

Washington—The FBI brought a top-ranking, turncoat Soviet spy before an extraordinary news conference yesterday to describe how he had reported American political trends to the Soviet Union while posing for 11 years as a free-lance photographer in the New York area.

For one hour he sat on a stage behind a glass screen through which only his profile could be seen, answering questions in a heavy eastern-European accent and in often-ungrammatical English. The FBI said his voice was modulated electronically to disguise the accent.

The spy, whom FBI officials said they apprehended and persuaded to cooperate with U.S. authorities "some years ago," was identified only by the cover name he used here, Rudolph Albert Herrmann. He was identified as a colonel in the Soviet KGB intelligence apparatus.

Colonel Herrmann said his mission was political, not military. Among the activities he described were an unsuccessful effort to abort a manned U.S. space shot, efforts to get close to American presidential candidates and setting up and servicing of "dead drops," locations at which spies leave money, information, instructions or equipment for other spies to pick up.

He said his tasks also included taking charge of the Soviet espionage network in the United States in the event of a break in U.S.-Soviet ties.

Homer Boynton, executive assistant FBI director, said the FBI did not believe Mr. Herrmann ever passed classified information to the Soviet Union, but Mr. Boynton described him as "a big fish."

Colonel Herrmann said he received instructions by coded radio message. "I supplied information about the location of some people in the United States. I revealed many names [to the KGB]," he said. "I believe I supplied the information which could be called detrimental to the interest of the United States."

Colonel Herrmann is the highest-ranking illegal Soviet resident spy publicly identified since the arrest in 1957 of Col. Rudolf Abel, who was swapped back to the Soviet Union in 1962 in exchange for downed U-2 pilot Francis Gary Powers.

Mr. Boynton declined to give a specific reason for Colonel Herrmann's appearance at a time when U.S.-Soviet ties are at a low because of the Soviet incursion into Afghanistan.

"We feel that it's important that the American public be aware of the type of espionage and intelligence activities that are occurring," he said.

He said the agency was at a crucial stage in resettling Colonel Herrmann, his wife and son, and that once he assumed a new identity as a private citizen it would be too late to make him available to reporters for questioning.

Administration sources, who declined to be identified, said that the decision to put Colonel Herrmann on display was cleared in advance by Secretary of State Cyrus R. Vance. Colonel Herrmann's appearance follows by three days the disclosure by retiring FBI intelligence chief William Kregar that five communist diplomats had been quietly expelled from this country in the last year for spying.

Colonel Herrmann, who said he was about 45 years old, said that when the FBI apprehended him they offered him a choice of being prosecuted or cooperating. He said his arrest "was due to the blunder of my KGB contact."

Colonel Herrmann lived in Hartsdale, N.Y., outside New York City.

During an election year, he said, "I would study the results of all primaries, approach many of my neighbors, study every source about the true picture of how Americans felt about the candidates, to prepare for getting close to candidates, so that in case they won I could have somehow gotten a foot in the door."

He said the closest he got to a presidential candidate was a brief accidental discussion with one at the San Francisco airport while the candidate was talking with his aides. Colonel Herrmann refused to name the candidate because he said the man was never aware of his activities.

Aside from information on political candidates, he said he was badgered by the KGB to report on U.S. public views on U.S.-Soviet trade negotiations, the neutron bomb and detente.

Colonel Herrmann said he received instructions by radio from transmitters in the Soviet Union in a "foolproof" code. He said the instructions came every week, lasted from 5 to 30 minutes and were repeated three times. He said he sent his reports mostly in secret writing in letters to various addresses in Europe.

The FBI said he also traveled periodically to KGB headquarters in the Soviet Union for retraining and debriefing, the last of the trips coming in 1977.

The FBI said that on one of his first missions in the United States, the KGB radioed him the exact text of an anonymous letter he mailed from Atlanta to

U.S. authorities alleging that a manned space vehicle may have been sabotaged. Colonel Herrmann said he believed this was an Apollo spaceship, and the FBI said the ploy was unsuccessful.

Colonel Herrmann said he came to the West in 1958, entering West Germany as a refugee from East Germany. He stayed there until 1962, then spent six years in Canada before entering the United States as though he were a legal immigrant.

"From the first moment I got my immigration card, I strictly observed laws in the United States," he said. "I spent a lot of time figuring out my income taxes just to not make a mistake and to not get scrutinized."

Mr. Boynton said Colonel Herrmann's role as a double agent ended several months ago because of fear the KGB suspected he might be cooperating with U.S. agents.

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ON PAGE D-11

THE NEW YORK TIMES
3 March 1980

Ex-Soviet Spy Agrees To Discuss Techniques For Press, F.B.I. Says

By ROBERT PEAR

Special to The New York Times

WASHINGTON, March 2 — A former Soviet spy who is now working for the United States will be presented to reporters tomorrow by the Federal Bureau of Investigation, Government officials said tonight. The officials said that the agent would discuss Soviet intelligence techniques in a news conference at the bureau's headquarters here.

The scheduled appearance follows by just three days an F.B.I. official's disclosure that the United States quietly expelled five diplomats from Soviet bloc countries in the last year for alleged espionage activities. William O. Kriegar, assistant director of the F.B.I. in charge of the intelligence division, made the disclosure in an interview Friday, the day before his retirement.

President Carter praised Mr. Kriegar's integrity Thursday at a gathering of law-enforcement officials in the White House.

The recent publicity about foreign espionage activities in the United States is a departure from the normal Federal practice. The Government rarely publicizes intelligence or counter-intelligence operations. Intelligence experts suggested that the latest disclosures were personally approved and perhaps orchestrated by President Carter.

Carter Anger Reported

A former top-ranking counter-intelligence official said he believed that President Carter had reached a point of disgust and anger with Soviet intelligence operations similar to that of the British when they expelled more than 100 Soviet diplomats in the late 1960's.

"It is the mood of the President to narrow the size of the target," said the official, suggesting that Mr. Carter wanted to focus a spotlight on the suspected Soviet agents.

Other officials said that the news conference tomorrow was a signal of an increase in the espionage war to match the recent chill in diplomatic relations between the United States and the Soviet Union.

It was not immediately possible to gauge the importance of the agent who is to appear tomorrow. An Administration official said that the disclosure "will not blow a major Soviet intelligence network in this country," although the former spy has been a "productive" asset for the United States.

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THE BALTIMORE SUN
3 March 1980

Ex-spy to speak out

Washington (AP)—A former Soviet spy, now working for the United States, will explain some of Moscow's espionage methods to reporters at an FBI briefing today, ABC News reported yesterday.

The report described the man as "a major double agent" who used to spy for the Soviet Union in the United States.

He "is reported to be intimately familiar with the Soviet spy apparatus here and his conversion is said to be a major breakthrough," the report said.

FBI officials refused to comment on the ABC report. But the FBI did announce yesterday it would hold a news briefing this morning on an "FBI investigative matter."

According to ABC, the FBI will not disclose to reporters the agent's identity "out of fear that the lives of relatives still living in a Communist nation will be endangered."

The account also quoted unidentified FBI sources as saying the man has "personal reasons for going public with his story."

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CHICAGO TRIBUNE
1 MARCH 1980

Red spies quietly put out by U.S.

WASHINGTON [AP]—The FBI's retiring intelligence chief said Friday that in the last year about five diplomats of communist countries have quietly been asked to leave this country.

Assistant FBI Director William Cregar, who retired Friday after 29 years in the bureau, refused to name the countries. But he said that asking diplomats to leave was one response the United States has taken when it uncovers spying by persons having diplomatic immunity from criminal prosecution.

He said the cases had not been made public because every time they are disclosed "the enemy will manufacture a retaliation against one of our diplomats."

Reflecting in an interview on his career, almost all of which was in counter-intelligence for the FBI, Cregar said the agency has made excellent progress over the years in counter-intelligence.

"WE KNOW MORE about their method of operation, we have a better appreciation of who their intelligence officers are, we have a better appreciation of the equipment and techniques they use against us, and we have a better understanding of their long-range plans," he said.

He said that in recent years the FBI had become an active participant in the intelligence community rather than making its own independent decisions in spy cases as

was often the case under former Director J. Edgar Hoover, who once cut off formal liaison with the Central Intelligence Agency.

Cregar, who will be 55 in May, said he was retiring now despite being granted a waiver by the attorney general to work one year past mandatory retirement because the federal pension system makes it economically more advantageous for him to leave at this time.

Cregar once played linebacker for the Pittsburgh Steelers pro football team.

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THE NEW YORK DAILY NEWS
1 March 1980

FBI: We spied, booted Soviet-bloc 'diplomats'

By JOSEPH VOLZ

Washington (News Bureau) — William Cregar, the FBI's top counterspy, revealed yesterday that the United States secretly booted out five Soviet-bloc spies posing as diplomats in the last year.

Cregar, who is retiring as chief of the intelligence division, declined to name the spies or the countries they worked for. The major Soviet-bloc espionage activities operating in the U.S. are the Soviet Union's KBG and the intelligence services of East Germany, Poland, Czechoslovakia and Hungary.

He said the cases had not been made public when the spies were expelled because "the enemy would have manufactured a retaliation against one of our diplomats." The U.S. and the Soviet Union quietly agreed recently to play down the departures after they engaged in a bitter series of expulsions and counter expulsions.

Cregar said that the diplomats were not believed to have harmed U.S. national security because FBI agents "were monitoring them and we were able to prevent any damage."

FBI agents watch virtually every diplomat assigned to Soviet-bloc embassies here under the assumption that more than half of the "diplomats" are actually spies. Through the years the FBI has bugged embassy telephones, broken into the embassies to steal code books on behalf of the supersecret National Security Agency and tailed the diplomats.

The diplomats enjoy diplomatic immunity from prosecution but can be asked to leave the country.

FBI sources said yesterday that five to 10 Soviet-bloc diplomats have been kicked out of the country each year over the last decade. But high Justice Department officials said that the timing of an expulsion is often related to a foreign policy decision and does not necessarily result from successful Soviet espionage activity.

That Cregar made any revelation at all, with the approval of Attorney General Benjamin Civiletti, indicates that the Carter administration is using the expulsions as another weapon in its post-Afghanistan invasion "get-tough" policy.

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THE WASHINGTON POST
1 March 1980

Five Soviet-Bloc Diplomats in U.S. Ousted for Spying

By Charles R. Babcock
Washington Post Staff Writer

The FBI's retiring counterintelligence chief said yesterday that five communist-bloc diplomats were quietly forced to leave the United States in the past year after they were caught spying.

William Cregar, head of the bureau's intelligence division, said that such expulsions usually are not publicized because the communist nations would feel compelled to retaliate.

Cregar's remarks capped a recent series of exposures by American and allied intelligence officers of Soviet-bloc spy networks in New Zealand, Canada, Spain and Japan.

It has been suggested that the stream of disclosures is part of a U.S. policy decision to change the usual rules of international spying and retaliate against the Soviet Union for its invasion of Afghanistan.

Spokesmen for the State Department and Central Intelligence Agency refused to comment on the matter yesterday. A White House official said he was unaware of any policy change. But it seems clear that at least some of the disclosures were orchestrated.

Last month, for instance, John McMahon, the CIA's deputy director for operations, told a House Intelligence subcommittee in closed session about Soviet forgeries of U.S. government documents. Last week, the testimony was suddenly made public, exposing to public view more than 100 pages of examples of alleged Soviet-bloc propaganda.

The release was to "dramatize" recent increases in such forgeries, a subcommittee spokesman said.

The Chicago Tribune reported on Monday that the CIA has disclosed the names of many Soviet-bloc agents of influence to allied intelligence in recent weeks.

In his testimony, McMahon noted that a forged U.S. Army field manual—purporting to show plans for American interference in allies' domestic affairs—showed up in Spain in 1977 in the hands of a Cuban intelligence officer. The Tribune story said the CIA gave the names of those involved in the fabrication to Spanish intelligence.

Another exposure of a Soviet espionage network occurred in January in New Zealand, where Soviet Ambassador Vsevolod Sofinsky was expelled

after he was accused of funneling money to a socialist political party.

In retaliation, the Soviets expelled the New Zealand ambassador from Moscow a month before the end of his scheduled tour of duty.

In Canada in January, two Soviet embassy officials were expelled after being charged with paying money to an American undercover agent.

In Japan, the army's chief of staff resigned after a Soviet-run spy network was closed down by police. Intelligence officials refused to say yesterday whether these events were connected.

There has long been a dispute within the intelligence community about how to treat foreign diplomats caught as spies. The traditional theory is the one the FBI's Cregar noted yesterday: expel the person quietly so the other country doesn't feel compelled to respond in kind.

There's another argument against even quietly expelling the discovered spy, intelligence officials note. At least you know who he is and can monitor his activities. If he's kicked out, he'll be replaced by someone your counterintelligence will have to find all over again, they said.

Last fall, in the wake of the controversy over the Soviet brigade of troops in Cuba, columnist Jack Anderson reported that national security affairs adviser Zbigniew Brzezinski was quarreling with Secretary of State Cyrus R. Vance about taking a hard line in generating anti-Soviet propaganda around the world.

In a press conference at the time, Vance took pains to say there was no dispute between State and Brzezinski. He didn't deny the anti-Soviet campaign was being considered, however.

The last publicized expulsion of a Soviet diplomat from the United States occurred in 1978. Vladimir P. Zinyakin, an official at the Soviet mission to the United Nations, was forced to leave for his role in a spy case.

The case involved two Soviet employees who didn't have diplomatic immunity and were prosecuted for buying U.S. defense secrets from a Navy officer cooperating with the FBI.

Attorney General Griffin B. Bell decided to press the case to show the United States wouldn't tolerate spying by non-diplomats at all.

The FBI's Cregar said yesterday that he feels the FBI has made excellent progress in its silent counterintelligence battle with communist-bloc spies.

"We know more about their methods of operation. We have a better appreciation of who their intelligence officers are and of the equipment and techniques they use against us," he said.

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THE WASHINGTON POST
6 March 1980

The TV Column

U.S. Tried to Quash CBS Story on Shah

By John Carmody

Officials of the State Department and the White House, including Press Secretary Jody Powell, tried for two weeks, but without success, to get CBS News' "60 Minutes" to drop a critical segment on U.S. involvement with the former shah of Iran that aired last Sunday night.

CBS News president William Leonard yesterday would confirm only that "some White House officials had expressed concern about the '60 Minutes' segment in advance of the broadcast although they had not seen the interviews."

Sources indicate that the phone calls from Powell and others, including Henry Precht of the Iran desk of the State Department, began during the week of February 11 after "60 Minutes" staff members began making inquiries at State and the Central Intelligence Agency about various aspects of the story.

At that time, the 30-minute segment was scheduled to air on Feb. 24 on the eve of the New Hampshire primary election.

But because of editing difficulties the segment was rescheduled at the last minute for the next Sunday evening on the eve of the Massachusetts primary election.

Officials of CBS News were careful

yesterday to avoid suggesting they'd "prevailed" following a "confrontation" with the White House over the segment, as indicated by Leonard's brief statement.

But sources at the network did suggest that the repeated calls amounted to considerable pressure to drop the segment.

One source, who asked not to be identified, said that the callers variously suggested that "it was the wrong weekend to do it," implying that "some kind of delicate negotiations were underway for the 50 American hostages held at the embassy in Tehran to meet the United Nations commission," or that it was a matter of "patriotism" not to broadcast an anti-shah program at this time.

One person who talked to Powell said yesterday that the press secretary "was really saying in effect 'don't do it' but frankly I never fully understood what his arguments against our running the segment were."

This source, who also asked not to be identified, apparently in keeping with CBS News' desire not to get into a shouting match with the White House, said that "as far as [he] knew, Powell was pretty circumspect in his calls, although I did hear that

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This source, who also asked not to be identified, apparently in keeping with CBS News' desire not to get into a shouting match with the White House, said that "as far as [he] knew, Powell was pretty circumspect in his calls, although I did hear that he and Don Hewitt finally had a shouting match."

Neither Powell, Hewitt nor Wallace was available for comment late yesterday.

(As Received)

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THE WASHINGTON POST
4 March 1980

Joseph Kraft

White Paper on Iran

Abundant signs stamp fiasco on the special United Nations commission now visiting Iran. Even if the hostages are eventually released, the price promises to be a black eye for the United States.

So the administration ought to be taking active measures to control the damage. It should at the very least prepare and publish an official white paper, setting out in full detail the role played by this country in Iran over the past 35 years.

The U.N. commission on Iran rests on a series of political judgments made by Secretary General Kurt Waldheim and accepted by Secretary of State Cyrus Vance and President Carter. The premises are as follows:

Abol Hassan Bani-Sadr, Iran's new president, wants to settle the hostage affair quickly in order to get on with the business of governing. To make a settlement, however, Bani-Sadr needs the support of Ayatollah Khomeini. To get the ayatollah's support, Bani-Sadr has to fob off the militants holding the hostages and their allies in the ayatollah's entourage—notably Foreign Minister Sadegh Ghotbzadeh.

To that end, the commission was loaded with members sympathetic to the Iranian revolution and prone to think of the United States as a dirty imperialist power. It was empowered to hear—and to validate by implication at least—Iranian complaints against the deposed shah and the steps taken by the United States in his support.

In return, the commission was supposed to visit the hostages as the first step toward their transfer out of the embassy and the physical custody of the militants. Once the first transfer had been effected, the eventual release would follow quickly.

Numerous developments—especially the ayatollah's statement that the final disposition of the hostages would be left to a parliament named in elections this month and next—have cast doubts on that approach. The Carter administration is in poor position to dig in its heels at this juncture. It has staked everything on release of the hostages, and can do nothing that would shatter that hope. The more so as an acknowledgment of failure would be an admission, in the midst of the primary campaign, that the president had been duped once again.

Unfortunately, the weakness of the administration is fully apparent to all parties. The Iranians are playing Washington—day after day and week after week—for a yo-yo. The U.N. commission is going along with the charade. It is a mark of its lack of seriousness that the co-chairman, Andres Aguilar of Venezuela, flew back to Caracas last Friday for the purpose of being inducted into an honorific academy. So even if the hostages are eventually released, the United States will have shown itself in the process to be a total patsy, ready to put up with any indignity.

It is in these circumstances, as a minimal barrier against public abuse of this country, that the white paper suggests itself. The document would not show that the United States acted in a perfect way. It would indicate that the regime of the shah was highly corrupt. It would show that the shah's regime was brutal—though far less than generally imagined, and sometimes in retaliation for the murder of American citizens by terrorist groups. But it would also show that, in several major matters, the United States treated Iran in ways wholly consistent with its constructive postwar record.

First, there was the Soviet invasion of Azerbaijan and the establishment of a puppet government at the end of World War II. Harry Truman took a strong stand against that piece of Soviet aggression. Working through the United Nations, he forced the Russians to stand down and yield up the territory they had occupied.

Then there was the Point IV program for technical assistance initiated by Truman in 1950 and maintained by subsequent administrations with Iran as a principal beneficiary. The United States not only poured in millions to

support programs for literacy and rural development, but it trained the basic cadre of Iranian civil servants.

Then there was the intervention, in 1953, which restored the shah after he had been forced to flee the country by the regime of Mohammed Mossadegh. It is true that American and British intelligence worked hand in hand to coordinate Iranian resistance to Mossadegh. But otherwise, the CIA's role has been enormously exaggerated. The basic resistance to Mossadegh came from Iranians, and the shah was welcomed back to Tehran with an outburst of spontaneous enthusiasm. He went on—whatever the corruption—to play a major role in moving to modernize his country and maintain a semblance of security in the region of the Persian Gulf and the tier of countries ranging from Turkey and Iraq through Iran to Pakistan and Afghanistan.

The record, in short, is not one that justifies the wholesale condemnation now being prepared in Tehran and at the United Nations. The president and the secretary of state—who are themselves due for harsh judgment by history in this matter—would strengthen their hand if they at least worked to make public a full and fair account of what actually happened between the United States and Iran over the whole postwar period.

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THE BOSTON GLOBE
3 March 1980

Carter move in 1977 hurt shah — report

United Press International

WASHINGTON — A "furious" President Jimmy Carter abruptly halted CIA payments supporting Iran's Islamic religious affairs in 1977, despite warnings the cutoff would undermine the shah, according to Politics Today magazine.

In the magazine's most recent issue, writer Daniel Drooz said details of the events were provided by "six agents, former agents and intelligence analysts."

Drooz said the CIA payments began in 1953 after the shah's ouster by Prime Minister Mohammed Mossadeq. The CIA assisted in restoring the shah to the throne and began payments to the country's ayatollahs and mullahs — in essence buying support for the shah, he said.

"For the next decade the shah and Iran's religious leaders coexisted more or less peacefully, while the CIA quietly sent regular payments to help support the mullahs," Drooz said.

But the payments came to an abrupt halt shortly after Carter became President in 1977 when the Washington Post revealed payments of \$10 million a year to Jordan's King Hussein, Drooz said.

"Carter was furious," Drooz said. "The new President, who had waged his campaign on the need for honesty in government, ordered that all such payoffs to Jordan — and any other foreign governments — be stopped."

Drooz said the payments cutoff was followed by a religious upheaval that ended in February 1978 with the ouster of the shah.

The cutoff was not the only reason, or even the main reason, that the shah faced opposition, Drooz added. But, he said, "The President could not have failed to understand the increased pressure that his secret decision would put on the shah and his chances to remain in office."

ARTICLE APPENDIX
ON PAGE A-19THE NEW YORK TIMES
3 March 1980

ESSAY

Mistakes
In
Iran

By William Safire

WASHINGTON, March 2—The U.S. and U.N. appeasement of terrorists who seized diplomats in Iran has encouraged other terrorists to seize 16 ambassadors in Colombia. That's only the beginning.

An enumeration of some of our mistakes in Iran:

(1) When the U.S. Embassy in Teheran was invaded over a year ago, the Carter Administration failed to make clear that we would resist future violations of our territorial integrity. The Carter men did not want to offend Ayatollah Khomeini, whom they had helped to power by blocking a coup of Iranian generals. That tolerance of the first embassy take-over encouraged the second take-over in November.

(2) When our diplomats in Teheran advised Washington that admission of the Shah to the U.S. for medical treatment might provoke attacks, the Carter State Department failed to reduce the U.S. Embassy staff or to direct the securing of our records. On the contrary, the Administration urged American businessmen to increase their vulnerability.

(3) When assured by the interim Prime Minister that our embassy would be protected, the Carter men completely misassessed the political realities in Iran. Worse, Zbigniew Brzezinski's meeting with Prime Minister Bazargan in Algeria one week before the hostage seizure was a blunder that helped the radicals bring down the well-meaning moderate.

(4) When our embassy was invaded and our citizens kidnapped, Defense Secretary Harold Brown rejected a plan to land two plane-loads of U.S. commandos in Qum to counter-kidnap the Ayatollah Khomeini — then lightly guarded — so as to arrange a trade. On the contrary, as a future Congressional investigation will show, Mr. Brown ordered the Joint Chiefs to send the carrier Midway, then in the Indian Ocean, farther away from Iran, lest the terrorists think that U.S. military force might be applied. Meanwhile, President Carter erred by publicly rul-

ing out the use of force, thereby strengthening the kidnappers' hand.

(5) When Mr. Carter sought to negotiate with the terrorists, he designated as his representatives Ramsey Clark, the friend of Hanoi who had been soliciting the Ayatollah's legal business, and William Miller, the Mondale ally who had done so much to cripple the C.I.A. This signal of obsequiousness was met with contempt and the Carter envoys were snubbed.

(6) When urged by U.S. hawks to embargo food to Iran, which would have caused scarcities and raised prices in Iran and shown that kidnapping Americans was not without its drawbacks, Carter officials said it was "ridiculous" to use food as a weapon (a policy later reversed in regard to the Soviet Union). Instead, much fanfare accompanied feeble attempts to harass Iranian students here and to order Iranian diplomats to leave; both posturings were soon abandoned.

(7) When mild economic sanctions were finally announced, the Soviet invasion of Afghanistan — invited by the display of American weakness both in Cuba and in Iran — provided the Carter men with an excuse to rescind their threat of minor pressure on the terrorists. Instead of holding to his position that the return of the hostages would not in itself settle the score for the act

of war against the U.S., Mr. Carter flip-flopped, letting it be known that not only would all be forgiven, but that U.S. aid to Iran would commence. This was, in effect, a ransom offer, further underscoring our desperation.

(8) When the Shah — an ally President Carter had once embraced as a great friend — became an embarrassment, White House political operatives arranged to hustle him out of the country to Panama; Iranian Foreign Minister Ghotbzadeh accurately called this American acquiescence to Iran's pressure "a great victory."

(9) When he felt the hot breath of Senator Edward Kennedy urging more concessions, Mr. Carter agreed to a U.N. forum for an anti-Shah, anti-U.S. publicity orgy. The quid pro quo for this world obeisance to kidnappers was supposed to be the release of the hostages. Now even that policy of preemptive concession has failed.

The "gentlemen's agreement" with Mr. Ghotbzadeh was negotiated in Paris by Hamilton Jordan and Harold Saunders, the State Department's friend of the P.L.O. But Jordan and Saunders were unfamiliar with the Persian trick of agreeing first and negotiating afterward. The supposed deal of commission-for-hostages was promptly dishonored; now the commission is under pressure to deliver the right pro-kidnapper propaganda before, rather than after, the hostages are set free. Which brings us to this week's mistake:

(10) When the "gentlemen's agreement" was broken, Mr. Carter failed to call for the immediate return of the U.N. panel. Instead of thus putting pressure on the kidnappers, he was suckered again by the Bani-Sadr/Ghotbzadeh nice-guy/tough-guy routine.

One result of the surrender to terrorism has been to lengthen rather than shorten the hostages' stay in bondage. The other result is the kidnapping of 16 more diplomats last week and the threat to thousands of other innocents in years to come.

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THE NEW YORK TIMES
3 March 1980

PROSECUTOR SEEKS U.S. HOSTAGE IN IRAN

Letter Urges the Foreign Ministry to Yield American Held There

By Reuters

TEHERAN, Iran, Monday, March 3 — Foreign Minister Sadegh Ghotbzadeh was asked by the Public Prosecutor's Office last night to hand over Victor L. Tomseth, a United States Embassy official who is being held at the Foreign Ministry here.

An unsigned letter sent to Mr. Ghotbzadeh by the Prosecutor General, Hojatolislam Abdolkarim Mousavi Ardebili, and broadcast on the state radio asked him to turn over Mr. Tomseth for closer examination of alleged links between the United States Embassy and the extremist guerrilla group called Forghan.

The letter said the request was made because members of the Forghan group were on trial and the militants in the embassy had revealed a document indicating a connection between the embassy and the guerrilla organization. Forghan took responsibility for attacks on leading Moslem clergymen last year, but its organization appeared to have been shattered when revolutionary guards raided secret hideouts in Teheran in early January.

The development came as the United

Nations commission investigating Iran's grievances against the deposed Shah appeared to be a step closer to visiting the American hostages being held by Islamic militants at the embassy, as a compromise agreement with the captors on the format of such a visit appeared to be near.

Khomeini Leaves Hospital

Meanwhile, Ayatollah Ruhollah Khomeini, the Iranian revolutionary leader, was released yesterday from the Mehdi Rezaei Heart Hospital here where he had been confined for five weeks because of a heart ailment, and rode in a motorcade to a home nearby.

Before his departure the 79-year-old leader, in a strong voice, told a crowd of hospital workers gathered under the balcony of his room: "Now that I am leaving you, I thank you all."

In his 10-minute talk the Ayatollah called on Iranians to vote for faithful Moslems in the parliamentary elections scheduled to start on March 14.

"Now we have an Islamic republic and the parliament will be an Islamic assembly and all our morality should be Islamic," he said. "So I ask you to elect people who are committed to Islam and are neither Eastern nor Western."

Ayatollah Khomeini has said that the new parliament would decide terms for the release of the American hostages in the embassy, but he made no reference to the hostages yesterday.

The prosecutor general's letter to Mr. Ghotbzadeh last night asked the Foreign Minister to "order Mr. Tomseth, who is one of the hostages of the Iranian nation, be handed over to the Islamic Revolutionary Public Prosecutor's Office."

The militants who seized the embassy on Nov. 4 and are holding about 50 hostages there have asked that Mr. Tomseth and two other embassy officials who were

in the Iranian Foreign Ministry at the time of the seizure be handed over to them. The two others are L. Bruce Laignen, the United States chargé d'affaires, and Michael H. Holland.

The five-member United Nations commission continued its work in private yesterday amid reports that it might soon meet with the American hostages in the embassy. But the exact time for a possible meeting was still uncertain because the militants said crucial details remained to be worked out.

The key to the matter appeared to be whether the commission would accept as evidence documents seized by the militants and whether it would interview the hostages as part of its investigation.

"The commission wanted to see the hostages as witnesses," Mr. Habibi said. "There is progress because the commission in principle is going to agree to take the documents discovered in the embassy as evidence in its inquiry."

Aide Won't Speculate on Timing

Asked whether Mr. Habibi's comment reflected the essence of the agreement, a source close to the commission said, "Yes, it's something like that."

Asked when the projected meeting would take place, the commission's spokesman, Samir Sambar, said: "I would not speculate on the exact timing." But there were strong indications that it would be later today.

Since taking over the embassy, the militants have issued documents purporting to show that at least three members of the embassy staff were employees of the Central Intelligence Agency, and others indicating that embassy officials had been inquiring about various Iranian opposition groups.

Details of how the apparent agreement had come about were unclear, but sources close to the commission pointed to a surprise visit paid early yesterday by Foreign Minister Sadegh Ghotbzadeh to Mohammed Bedjaoui of Algeria, co-chairman of the commission.

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AFGHANISTAN

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THE CHRISTIAN SCIENCE MONITOR
5 March 1980

New Afghan atrocities alleged by the CIA

By Daniel Southerland

Staff correspondent of The Christian Science Monitor

Washington

The US Central Intelligence Agency has revealed new reports of atrocities alleged to have been committed by Soviet-supported troops in Afghanistan.

In a letter to Sen. Lloyd Bentsen (D) of Texas, CIA director Stansfield Turner listed the following until-now unreported events said to have occurred in Afghanistan in 1979:

- In retribution against a village that refused to cooperate with the Kabul regime, Afghan troops destroyed the village and killed 20 of its inhabitants. The children among the victims were mutilated in front of their parents before the entire group was slain.

- In another incident reportedly motivated by retribution, Afghan soldiers killed 300 villagers.

In addition, the letter from Admiral Turner said that there had been reports of several cases of rape perpetrated by

Afghan soldiers, some of which were alleged to have resulted in the victims' deaths.

The CIA director said details of all of these incidents had to be omitted in order to protect sources of information. He also said that there have likely been numerous unreported incidents of this kind.

The CIA reports coincided with one from a Cairo-based correspondent for the London Observer, who said he had recently seen the destruction of 80 percent of the villages along one of Afghanistan's main roads and with new reports from other US government sources that the Soviets have used nerve gas in trying to crush Afghan guerrillas.

Admiral Turner's letter to Senator Bentsen came in response to a letter from the senator asking for information about a report in The Christian Science Monitor Feb. 4 which quoted survivors as saying that Afghan troops, under Soviet orders, had murdered 1,170 unarmed men and boys last April in the village of Kerala in eastern Afghanistan.

The CIA director said in his response that the agency was "almost certain" that the alleged massacre did occur. He said CIA had no on-the-spot confirmation from its own sources but noted that a strikingly similar account appeared in a Pakistani newspaper on April 29, 1979.

As a result of Admiral Turner's report to him, Senator Bentsen has urged President Carter to seek a UN Security Council investigation of the alleged massacre at Kerala. In a letter to the President dated March 4, the senator said that if the Soviet Union were to veto such an inquiry, then "the veto itself would speak volumes about Soviet conduct, and the debate leading to the veto will insure that the whole world will watch the debate and evaluate the charges."

He suggested that as alternatives, the President might want to consider an investigation by the full UN General Assembly or one by the International Red Cross.

On March 3, Shyam Bhatia of the London Observer, who was held captive by Afghan guerrillas, reported that 80 percent of the villages along most of the 220-mile main Kabul-Kandahar road "were just flattened" by rockets fired by Soviet-supplied helicopter gunships. According to a United Press International report, the correspondent further said that hundreds of civilians, including women and children, were killed in indiscriminate attacks by such gunships.

Carter administration sources, meanwhile, said reports on the use of nerve gas by the Soviets in Afghanistan were based not on "clinical evidence" but on numerous accounts from refugees gathered over a period of several months.

US State Department officials began reporting some weeks ago that the Soviets had taken chemical warfare and decontamination equipment with them into Afghanistan.

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ON PAGE A 4

THE BALTIMORE SUN
5 March 1980

Turner says the CIA is 'almost certain' 1,300 Afghan civilians were massacred

Washington (AP)—The Central Intelligence Agency is "almost certain" Afghan troops acting under orders from Soviet advisers massacred 1,300 civilians last year, the agency's director says in a letter to Senator Lloyd Bentsen.

"We have no on-the-spot confirmation from our own sources, but a strikingly similar account appeared in a Pakistani newspaper," Adm. Stansfield Turner, the director of central intelligence, wrote Mr. Bentsen (D, Texas).

Mr. Bentsen, who released Admiral Turner's response yesterday, had asked the CIA whether it could confirm a report that appeared in the *Christian Science Monitor* of a massacre in Kerala, a town

in eastern Afghanistan, last April.

Admiral Turner said the CIA has reports of other "atrocities" last year in Afghanistan, while it is likely that additional incidents have not been reported.

The CIA director said the incidents that have come to the attention of the CIA include:

- The destruction by Afghan troops of a village that refused to cooperate with the Kabul regime and the killing of 20 of the village's inhabitants. Children were mutilated in front of their parents before the slayings.

- The killing of 300 villagers, reportedly as retribution for refusal to cooperate.

- Aggravated rapes by Afghan soldiers, some resulting in the victims' deaths.

Mr. Bentsen responded by calling for an investigation by the United Nations or other international organization of alleged atrocities in Afghanistan.

The senator said he understood that behind-the-scenes negotiations might make discretion necessary.

"At the same time, I believe very strongly that the world must never become so desensitized that allegations of mass murder are not met by the outrage of people around the world, in a clear, unmistakable, unyielding manner," Mr. Bentsen wrote.

THE WASHINGTON POST
5 March 1980

JACK ANDERSON

Soviets Attack Afghans With Nerve Gas

In the towering, treacherous mountains of Afghanistan, the Soviet invaders are attacking guerrillas with deadly nerve gases that even Adolf Hitler balked at using.

The implications are so hideous that American analysts don't want to believe their own intelligence, but eyewitness accounts, satellite photos and communications intercepts have verified the truth.

These mountains are called Hindu Kush, meaning "Killer of Hindus." But it's Afghans who are now dying on the craggy, wind-whipped heights. The Russians are using gases to flush the fierce mountain men out of the caves and crevices where they are holed up.

From the available evidence, intelligence specialists have identified one gas as Soman. This colorless nerve gas has a pleasant, fruity odor but brings agonized death within 15 minutes. It kills by being absorbed through the skin.

The victims in their final minutes of life, according to a U.S. document, "display the following symptoms: difficulty in breathing; drooling and excessive sweating; nausea; vomiting, cramps and involuntary defecation and urination; twitching, jerking and staggering; headache, confusion, drowsiness, coma and convulsion... followed by cessation of breathing."

The Defense Intelligence Agency has also picked up references in Soviet communications which indicate the Russians may also be waging germ warfare against the Afghan tri-

besmen. No civilized nation has resorted to such an inhumane weapon since our colonial French and Indian wars, when Indian tribes were deliberately given smallpox-infected blankets.

Even Hitler decided against using the nerve gases developed by his Nazi scientists in World War II. But after the Third Reich collapsed, the Soviets quietly moved an entire German nerve gas production plant to Russia and employed former Nazi scientists to develop the dread stuff.

Pentagon sources now estimate that the Russians not only possess an enormous chemical warfare arsenal but also have assigned more than 100,000 specially trained chemical officers to Soviet military units. Intelligence reports claim the Russians tested their chemicals in small amounts against rebellious tribesmen in South Yemen as early as 1964.

Then in 1978, the Soviets used mustard gas to subdue the independent Meo tribes entrenched in the highlands of Laos. Survivors staggered out of the mountains mumbling fearfully about "yellow rain." Now the Russians have turned their genocidal weapons against the Afghan rebels.

A key intelligence source told my associate Dale Van Atta that the Soviets have placed extensive stockpiles of chemical weapons in their Warsaw Pact satellite nations. In the early '70s, intelligence agencies established that poison gas was stored in Poland and unidentified chemical weapons in Czechoslovakia. They

learned later that a Soviet air force division in East Germany possessed 400 chemical bombs.

A top-secret CIA analysis offers this chilling explanation: "Warsaw Pact doctrine sees chemical weapons as instruments of mass destruction to be used along with nuclear weapons when authorized by high Soviet authorities. The storage of chemical weapons in the Warsaw Pact's forward area would, of course, permit them to be distributed more quickly to combat units."

More ominous, mock military maneuvers in the Warsaw Pact countries, according to intelligence sources, have included "simulated chemical attacks against NATO forces."

One top-secret CIA publication, the Weekly Surveyor, includes periodic articles that update the intelligence on Soviet chemical, biological and radiological capabilities. In one issue, the CIA reported that its counterpart, the Soviet KGB, had been explaining the development of their grotesque weapons to East European authorities with these words:

"The U.S.S.R. must maintain a capability in chemical warfare because of the demonstrated capability of the U.S., NATO and the PRC" (People's Republic of China).

In the name of humanity, meanwhile, an international commission should be empowered at once to assess the evidence that the Soviets are waging secret chemical and biological warfare against the defenseless but defiant Afghans.

ARTICLE APPEARED
ON PAGE 1THE CHRISTIAN SCIENCE MONITOR
4 March 1980

Soviet troops stumble in Afghanistan

They arrive poorly prepared and trained for guerrilla war

The writer of this dispatch has just returned from assignment in Afghanistan. This is an assessment of the military situation facing the Soviet forces there.

By Robert Fisk

Special to The Christian Science Monitor

Kabul, Afghanistan

Major Yuri of the Soviet Army's transport command in Tashkent would probably have a few sharp comments about US Secretary of State Cyrus Vance's latest plan for a neutral Afghanistan.

Major Yuri is a Soviet regular with a wife and a nine-year-old daughter in Kazakhstan and 11 years of soldiering behind him. He has spent the past two months escorting convoys of ammunition, food, and radio equipment from the Soviet Union across the Amu Darya River and over the Hindu Kush Mountains to Kabul.

On just one convoy in January he lost four of his men to sniper fire from Afghan guerrillas. He says he does not like Afghanistan — and it is not difficult to see why.

Muslim guerrilla resistance in the country has grown rather than decreased in the past five weeks. Long stretches of Afghanistan's main highways — which were still in government hands when the Soviets arrived in Kabul last December — have since fallen under the control of the mujahideen, the "holy warriors" of Islam whom the West theoretically supports.

At the same time, the Afghan Army has suffered further defections. The 9th Division at Jalalabad, for example, has virtually ceased to exist since many of its soldiers went over to the guerrillas, taking their modern automatic rifles with them.

In the Afghan countryside, the Soviet Air Force is using helicopter gunships to strafe and bomb Afghan villages, recreating in Southwest Asia some of the worst aspects of Vietnam and Southeast Asia.

When Soviet leader Leonid Brezhnev sanctioned the Red Army's advance into Afghanistan last year, he could not have foreseen the events that have taken place since then. That the Russians failed to predict the strength of

rebel resistance was only the first of their mistakes.

When the Russians invaded Czechoslovakia in 1968, they found no military opposition but they nonetheless sent in their frontline units, assisted by armored regiments from the other Warsaw Pact nations. They poured half a million men into Czechoslovakia.

Yet they sent only one frontline division into Afghanistan: the 105th Parachute Division was dropped into the Hindu Kush to secure the Salang Pass for Soviet transport columns traveling to Kabul. But five other divisions were second-line units composed of soldiers who had never served in East Europe and never seen the Soviet-Chinese border.

Many of the Soviet units now in Afghanistan come from the Red Army's Caucasus and southern Asia commands. Soviet troops from Tadzhikistan and Uzbekistan — most of whom speak Farsi and can therefore talk fluently to the loyal Afghan troops — had difficulty in communicating with their Russian commanders.

Many Soviet units arrived without any briefings on the military resistance in Afghanistan. A group of Russian soldiers who identified themselves as Volga Germans and who spoke German as their first language admitted they did not know the religion of the rebels. Major Yuri's transport column, with which I traveled for more than five hours through the mountains, had brought no maps of Afghanistan with them. At one point in that journey last January, Major Yuri had to borrow my own tourist map to identify the villages along his line of advance toward Kabul.

This is not how one of the most powerful armies in the world is expected to behave. When the major's column came under fire, several of his soldiers stood in the road without realizing the necessity of taking cover. Others fixed bayonets as if they were about to face a mass attack.

They look for all the world like figures from a World War II movie. And their actions may, indeed, have been prompted by some distant general's fading memories of how old wars were fought.

For the most salient feature of the Russian intervention in Afghanistan has been the Red Army's lack of combat experience. The Americans fought for years in Vietnam, and the British have had their battles in Kenya, in Aden, and more recently, in Northern Ireland.

The French and the Belgians have parachuted out of the sky in Central Africa during the past two years. But the Russians came to Afghanistan with only a few skirmishes along the Chinese border to season their armies.

It has been a harrowing experience for them. And, despite their overwhelming technical superiority and their immense firepower, things are not likely to get any easier.

The five groups of mujahideen guerrillas are slowly creating some form of political

CONTINUED

unity. Around the western Afghan city of Kandahar, for instance, the rebels are united and are posting notices around the bazaar — signed by representatives of all five movements — calling on all their people to wake up and addressing Russian troops in these words: "Sons of Lenin, what are you doing here?"

It is clear, too, that the rebels are increasingly well armed. Around Jalalabad, they now are using mortar and anti-tank rockets. Although they have not yet received any ground-to-air missiles, they have brought down one Soviet helicopter south of the city by hitting it with automatic rifle fire. They could not have done that two months ago. But their old Lee Enfield rifles — the British service weapon of World War II — are being replaced by brand new Russian Kalashnikovs.

Reports from Washington that these recycled Soviet weapons are being furnished with CIA assistance cannot be substantiated with any hard evidence. Most of the rifles probably come from defecting Afghan troops who were originally armed with Russian AK-47s. There are growing rumors around Jalalabad that the US is giving "real" help to the guerrillas and that these references are not intended to imply that only money is being given to the rebels.

All this does not mean, however, that the Afghan rebels can win. And in the Pakistani city of Peshawar their ideological leaders naively try to outbid their rivals in the rebel cause by claiming ever more grotesquely exaggerated victories over Russian troops.

If the Soviets decide to drop any further pretense of "mutual cooperation" with the Afghan government of Babrak Karmal and annex the country, they will probably pour in hundreds of thousands of reinforcements. The postwar pogroms which the Soviets initiated against their own western minorities and the transshipments of whole ethnic communities across Russia set a precedent that can always be revived in Afghanistan. At least one very well-substantiated report suggests several hundred Afghan political prisoners have been held captive in the Soviet city of Tula, about 130 miles south of Moscow, since 1978.

What the Soviets dearly need is the active support of the Afghan Army. The Karmal government has promised increased pay for its remaining loyal troops, and it has lifted threats of punishment against those Afghans who dodged their country's draft under the

previous two left-wing regimes. But the Army continues to disintegrate.

In Jalalabad, an unofficial agreement exists between some Afghan units and the rebels whereby both sides avoid shooting each other unless they are personally attacked. Thus the Afghan casualty rate there stands at only two or three dead a week, but the city's electricity and gas supply have been cut off for months because the rebels blow up the supply lines with impunity.

Around Jalalabad, local Afghan Army units have been withdrawn. They were, after all, scarcely enthusiastic about watching the Soviet Air Force bombing their home villages. Instead, Afghan troops from the far northeast and from the western city of Herat have been drafted into the Pakistani border area. Even so, several officers there have confirmed privately that there was a near mutiny in the 11th division at the beginning of February when the troops demanded more home leave.

Thus the Afghan Army — with a few notable exceptions in Kabul — is a rubber sword. Its continued existence is essential to provide a political facade of national independence, but its military presence is fast becoming a liability to the Soviet troops.

In the Soviet Union, where soldiers have traditionally played a more powerful political role in military decisions than they have in the West (except in world wars), the generals of the Red Army are unlikely to countenance any kind of withdrawal, even with a face-saving formula of guaranteed neutrality in Afghanistan. The current wisdom in Kabul is that the Russians will master their recalcitrant client kingdom "when the snows melt" — when Russian troops can move at will over the countryside unhampered by the permafrost that has locked itself over most of the nation. There are signs that a "spring offensive" already is beginning.

But Russia has secured its greatest victories in history — Moscow in 1812 and Stalingrad in 1942 — in weather far colder than in Afghanistan. Furthermore, the rebels are using the same phraseology. Just wait until the snows melt, they tell you, then the Soviets will dearly regret their invasion. Both sides may be right; in which case, the world is going to watch a long war in Afghanistan.

First of two articles. Next: The writer, a correspondent for the Times of London, assesses the political-diplomatic outlook.

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ON PAGE **57-60**

NEWSWEEK
10 March 1980

AFGHANISTAN:

Carnage in Kabul

Reinforcements: There was evidence that the Soviets were gradually building up their forces in Afghanistan, according to U.S. intelligence reports. By last week, U.S. analysts counted 75,000 Soviet troops in the country—an increase of 5,000 in two weeks—and reinforcements were moving to join the 25,000 troops at staging areas just north of the border. The Soviets seemed to be planning for a long stay. They were digging wells near their camps, building permanent barracks and officers' clubs and installing surface-to-air defensive missile systems.

Still, the Kremlin sent out signals that it was willing to talk about Afghanistan. Soviet President Leonid Brezhnev himself had suggested that the Soviets could start withdrawing troops if the U.S. and other countries guaranteed that there would be no "outside interference" in Afghanistan. Last week, Brezhnev seemed to soften that stand a bit during a meeting with a longtime American trading partner, Occidental Petroleum chairman Armand Hammer. As Hammer reported it, Brezhnev insisted only that the U.S. and Afghanistan's neighbors "use their influence to see that there was no interference from outside."

For the record, the U.S. was willing to talk about Afghanistan's neutrality, but was not willing to take the lead. In a letter to Yugoslavia's ailing President Josip Broz Tito, Jimmy Carter endorsed the principle of "noninterference," an aide reported, but that was contingent on a "prompt withdrawal of all Soviet troops." Washington did not expect any such thing. In what may have been a reminder that the Russians are generally loathe to withdraw from anywhere, a senior State Department official disclosed that Soviet troops in Cuba were conducting maneuvers.

Late in the week, Britain took the initiative and presented the Soviets with a proposal to neutralize Afghanistan through negotiations at the United Nations or through a conference of the five permanent members of the U.N. Security Council—the U.S., Britain, France, the Soviet Union and China—as well as Afghanistan, Iran, Pakistan and India. "The Soviet Union said they were worried about their borders and about outside interference in Afghanistan," Britain's Foreign Secretary, Lord Carrington, told NEWSWEEK editors in a London interview. "The neutrality of Afghanistan would overcome those two objections . . . [and] provide them with perfectly good security for withdrawing."

U.S. Suspensions: Secretary of State Cyrus Vance met briefly with Soviet Ambassador Anatoly Dobrynin and there was talk that Vance would confer informally with Soviet Foreign Minister Andrei Gromyko—possibly at the funeral of Tito, whose death seemed imminent. But U.S. officials were "very skeptical" about Moscow's intentions, as one put it. A common suspicion was that Moscow wanted international talks only as a way of conferring legitimacy on its puppets in Kabul. "Make no mistake about it," said a diplomat in Moscow. "What the Soviets want guaranteed is the present government of Afghanistan. . . . Brezhnev wants other nations to help the Soviets do what their armies so far have failed to do—secure the Communist regime in Kabul." Even if the world at large came to recognize Kabul's new rulers, Moscow could never count on such understanding from defiant Afghans.

STEVEN STRASSER with BARRY CAME in Peshawar,
FRED COLEMAN and THOMAS M. DeFRANK
in Washington and bureau reports

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ARTICLE APPEARED
ON PAGE **29**TIME
10 March 1980

Poisoning the Battlefield

In chemical warfare, the U.S. lags far behind Moscow

One causes nosebleeds, blurred vision, convulsions and paralysis. Another covers the victim with blisters. Still another makes the lungs and respiratory system secrete so much fluid that the body drowns in its own juices.

These are some of the grisly and deadly effects caused by the various sprays and gases used as chemical weapons. Partly because of popular revulsion, such poisons have not been used in large scale on battlefields since 36 gases, including chlorine, phosgene and mustard gas, killed 91,000 and injured 1.2 million (many for life) in World War I. Indeed, President Richard Nixon in 1969 renounced all use of biological weapons and first use of chemical arms. But top U.S. generals are becoming increasingly alarmed at the chemical warfare (C.W.) threat from the Soviet Union. There have been reports, which Western intelligence has not been able to confirm, that the Soviets have used poison gas in Afghanistan, and that the Vietnamese and Laotian Communist forces have used U.S.S.R.-supplied gas against Meo tribes in Laos. Says General John W. Pauly, commander of U.S. Air Forces in Europe: "The Soviets have a considerable C.W. capability, both offensive and defensive. And they are prepared to use it."

Moscow's armed forces now have between 70,000 and 100,000 C.W. specialists, and a chemical-defense company is assigned to every line regiment. Using bombs, artillery shells, mortars, multiple-rocket launchers, air-delivered sprays or even land mines, the Soviets can attack with phosgene, mustard gas, hydrogen cyanide, nerve agents, botulin and a variety of lethal viruses.

U.S. military intelligence experts estimate that a third of the U.S.S.R.'s more than 2,000 tactical missiles are equipped with chemical warheads. The 170-mile-range

Scud B rocket, for example, can infect an area of 750 to 1,000 acres with nerve gas by exploding on ground impact or detonating overhead and releasing a deadly drizzle. According to John Erickson, a widely respected expert on Soviet military matters and director of defense studies at the University of Edinburgh, Kremlin battlefield doctrine calls for using chemicals against the West's command posts and airfields. Gases can blanket a wide area and penetrate buildings and fortifications, killing their occupants even though their exact location may be unknown to the attacker. Says Erickson: "A mixture of conventional and chemical attacks by the Red Army in Europe would give them a considerable tactical advantage."

To allow continued fighting on a poisoned battlefield, Moscow's troops are all equipped with protective suits and masks. Tanks and armored personnel carriers are tightly sealed and carry filters to protect the crews against poisoned air and dust. Soviet forces train extensively in C.W. techniques at more than 1,000 ranges, sometimes even with active toxic agents. It is believed, in fact, that accidents during such exercises have been killing about a dozen or so soldiers annually.

In contrast to the impressive U.S.S.R.



NATO soldier clothed to resist chemicals

Convulsions and a danger of drowning in body juices.

force, the U.S. so far has only about 2,000 C.W. experts. Concedes a Pentagon official: "We've been slow getting started." But now the nearly defunct Army Chemical Corps has been resuscitated, and special chemical-defense units are being organized as quickly as experts become available. Current plans call for a C.W. company to be assigned to each of the Army's 16 divisions and four independent brigades and regiments; six of these companies are already in the field and five more are to be added this year.

The major U.S. effort is on individual survival. U.S. forces in Europe now have what the Pentagon calls "chemical ensembles"—masks, rubber gloves, boots,

and overgarments made up of interwoven fiber layers over a black charcoal lining. This garment traps noxious elements. Troops wearing chemical ensembles can eat, talk and eliminate body wastes without exposure to toxic chemicals, but the outfits are still very cumbersome. Soldiers in them grow hot and uncomfortable. Sighting a weapon, operating the tiny knobs and switches clustered on sophisticated arms, using the radio, even talking mask to mask become major efforts. To a squad or platoon leader, his masked men all suddenly look alike. Commands become hard to understand and it is often difficult for a leader to get his men's attention. In C.W. exercises, in fact, squad leaders have had to throw stones at G.I.s to get them to turn around to see hand and arm signals.

The Army needs up to \$1 billion over the next five years for C.W. offense and defense. Some experts argue that the best defense is the threat of chemical retaliation. They point out that even Hitler was deterred from using his formidable C.W. arsenal because the Allies threatened to respond in kind. Without a credible chemical counterpunch, it becomes more likely that the U.S. would have to resort to tactical nuclear arms as a response to a Soviet chemical attack.

Although the nation's C.W. stockpile has declined only about 10% since Nixon's action of a decade ago, many of the arsenal's delivery systems are aging and deteriorating. Next year's proposed defense budget earmarks only \$2 million for researching a chemical warhead for a multiple rocket launcher and \$4.2 million for maintaining the current U.S. stock of war chemicals. Among them are 888 Weteye gravity bombs containing a nerve agent; last week the Pentagon announced that it will continue storing the weapons at the Rocky Mountain Arsenal near Denver despite protests from residents of the area who fear potentially lethal leaks. The Army has been seeking funds for a \$170

million plant to manufacture artillery shells containing two chemicals that are harmless when separate but become hazardous when mixed in a shell or bomb after it is fired or released. This so-called binary method would make it safe to store the chemicals even near population centers. So far, the White House has vetoed the Army request for the plant.

But with Moscow's C.W. threat mounting, the Administration will probably have to start doing more. Advises Edinburgh's Erickson: "Not only must the West develop an offensive capability," but the Kremlin must be convinced that the West "knows how to use these weapons and is well prepared operationally to fire them."

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U.S. NEWS & WORLD REPORT
10 March 1980

How U.S. Tracks Russians in Afghanistan

The U.S. is using everything from space-age technology to word of mouth to gather military intelligence on Russia's Afghanistan campaign.

One of the biggest mysteries—how many Russians are in Afghanistan—has been solved with the help of camera-equipped satellites in orbit around the earth.

The Pentagon came up with its estimate of 70,000 invading Soviet troops not by counting soldiers but by counting Soviet Army units. The U.S. long has known how many troops are in the units. Their movements are watched by cameras that can detect markings on tanks from 100 miles in space.

Wintry weather has covered much of Afghanistan with clouds, but infrared cameras cut through them to spot Russian convoys. Some camouflaged Soviet equipment is located by multispectral cameras used to photograph the same scene in different colors.

The results of all this, says a Pentagon official, are pictures that are "plenty good enough to get good counts of Russian equipment."

America's satellites listen as well as look. Some monitor Soviet radio communications and radar signals.

In addition to its eyes and ears in the sky, the U.S. gets help on the ground. Aides in the American Embassy in Kabul can look out their windows and see Russian jet fighters and helicopters. Washington also is exchanging reports with friendly countries that have diplomatic missions in Kabul.

Some reports on Soviet activity are volunteered by disillusioned bureau-

crats in the Kabul government and officers in the Afghan Army outraged by the Kremlin's takeover.

Intelligence analysts also try to keep up on activities of tribal insurgents who fight the Russians. Among their sources of information: Afghan refugees and press reports from journalists who interview rebel chieftains.

Although many questions about Soviet activities in Afghanistan have been answered, analysts still are struggling to solve the most significant puzzle: Just what are the Russians up to?

As one expert said: "We want to find out whether they are in Afghanistan to make it safe for a pro-Soviet regime. Or do they intend to incorporate it into Moscow's empire, as they did with the Baltic States after World War II?"

So far, even spies in the sky have not come up with that answer. □



Under eye in sky: Soviet guns near Kabul.

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ON PAGE A-7

'Face-Saving': Moscow View

Soviet Now Seems Cool To Neutral Kabul Plan

By CRAIG R. WHITNEY

Special to The New York Times

MOSCOW, March 2 — Would the Russians like to get out of Afghanistan, if they could only get the West to help them save face before they leave?

Some West European officials thought they detected signs of such a willingness last week, after Leonid I. Brezhnev appeared to suggest a shift in the Kremlin's position. Lord Carrington, the British Foreign Secretary, proposed a plan to guarantee Afghan neutrality last Friday, after it had been worked out with European foreign ministers.

President Carter has also called on the Soviet Union to join in a guarantee of Afghan neutrality, but only after Moscow has withdrawn all its troops as a precondition. Officially, the United States Administration says it welcomes mediation from Europe to achieve this, but privately officials in Washington are said to be skeptical.

But this weekend, the Soviet press, which has been urging the Europeans not to be drawn into a new cold war by the United States, seemed to throw cold water on the neutrality idea.

Sovetskaya Rossiya, a newspaper published by the Communist Party's Central Committee, described the Western soundings today as a "fuss" and "political decorations" concealing a conspiracy against peace.

U.S. Accused of Causing Unrest

In a television program here last night, Valentin M. Falin, deputy chief of the Central Committee's international information department, accused the United States of being behind the unrest in Afghanistan last month. He charged that 40,000 guerrillas had been trained in China, and more in Pakistan, all armed with American, Chinese and Pakistani weapons, with the costs paid by Saudi Arabia.

"Imperialist aggression against Afghanistan," he said, "had placed the very existence of the Afghan state, its independence and sovereignty in jeopardy." Hence the Soviet military assistance, in response, he said, to a call for help from the Afghan Government that was overthrown after the Soviet troops arrived in December.

Almost since the crisis began, this has been the Soviet explanation of why a force estimated at 75,000 troops has been sent into the country.

THE NEW YORK TIMES

3 March 1980

But in a speech Feb. 22, Mr. Brezhnev seemed to shift the emphasis of the argument, saying: "We will be ready to commence the withdrawal of our troops as soon as all forms of outside interference directed against the Government and people of Afghanistan are fully terminated."

Guarantee Is Suggested

He called on the United States and neighboring countries to "guarantee this." Last Wednesday, however, Armand Hammer, the American industrialist, came away from a two-hour conversation with the Soviet leader saying Mr. Brezhnev had suggested only that the United States and others should "use their influence" to see that support for the rebels stopped.

It was not clear how much of this formulation was actually Mr. Hammer's. At a news conference, he insisted that those were Mr. Brezhnev's words, although in a report the same day to the American Ambassador, Thomas J. Watson Jr., he did not mention them, according to diplomats here.

Mr. Hammer, the 82-year-old chairman of the Occidental Petroleum Company, came to Moscow to try to rescue a 20-year-phosphate deal signed in the heyday of détente.

Mr. Watson was given no hints of Soviet openness to new Western initiatives to help Moscow extricate itself from Afghanistan when he met with Deputy Foreign Minister Georgi M. Korniyenko two days after Mr. Brezhnev's speech, according to diplomats here.

Mr. Watson went to seek assurances about the safety of American citizens during the disturbances in Kabul. At the time, Tass, the official Soviet press agency, had reported the arrest of an American it named as Robert Lee, who it said had links to the Central Intelligence Agency. The C.I.A., it said, was training and infiltrating Afghan insurgents from bases in Pakistan. What Mr. Korniyenko replied is not known.

American 'Troublemakers'

But last night, according to Tass, Mr. Falin said on television: "When law and order had been restored in Kabul, it turned out that there were Americans among the troublemakers. So how, in the light of these as well as many other facts, can President Carter assert that the United States is taking no actions against Afghanistan which can also threaten the security of the Soviet Union?"

The Soviet media have also given credence and circulation to what were said to be reports in the American press that the Central Intelligence Agency was secretly supplying the Afghan rebels with arms.

"Everything has been thought up very neatly," Sovetskaya Rossiya said today. "Washington loudly demands a stop to military aid from the Soviet Union to Afghanistan, and its partners in the Atlantic alliance raise a fuss about 'Afghan neutralization.' Under cover of these political decorations a web of conspiracy is being woven against peace and for a return to the cold war."

A pro-American Moslem diplomat here expressed concern that while United States assistance to the rebels in Afghanistan might have been nonexistent when the Russian intervention began in December, it might not be now.

And Western officials who profess an interest in a different approach from "punishing" the Soviet Union for the invasion say that far more than helping Moscow to save face is at stake. The possibility of controlling or preventing a 10-year nuclear arms race may be lost if the rapid decline in United States-Soviet relations continues, these people fear. Soviet responses suggest that this time the Kremlin is not going to back down.

ARTICLE APPEARED
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2 MARCH 1980

Long Stay Seen for Soviet Troops

By TERENCE SMITH

Special to The New York Times

WASHINGTON, March 1 — Soviet forces in Afghanistan have begun building barracks, clubs, radio stations and other facilities in apparent preparation for a long stay, according to information reaching American officials.

Several thousand additional Soviet troops were airlifted to Kabul, the Afghan capital, in the course of the last week, officials said, raising the American estimate of the total number to 75,000. In addition, 25,000 troops are reported along the Soviet-Afghan border, including some units that cross back and forth.

The reinforcement and the deployment of the troops have led officials to the conclusion that the troops are preparing for a spring offensive against the Afghan rebels. The Russians are also reported to be building up regular Afghan Army units for use in the expected effort.

The pattern of Soviet activities has made the Americans more skeptical than ever about Moscow's stated willingness to withdraw its forces once "outside interference" in Afghanistan ends.

At a meeting on the Afghan crisis at the White House on Thursday, President Carter and his advisers reportedly concluded that there was little likelihood that the Soviet Union would respond either to American demands for withdrawal or allied offers to guarantee the neutrality

of Afghanistan after such a withdrawal.

The meeting, which was not listed on the President's public schedule, was attended by Mr. Carter, Secretary of State Cyrus R. Vance, Zbigniew Brzezinski, the national security adviser, and Marshall Shulman, the State Department's Soviet specialist. They reportedly had a discussion that led to Mr. Vance's 30-minute meeting on Friday with Ambassador Anatoly F. Dobrynin.

In the session with the Soviet envoy, Mr. Vance reiterated American willingness to join in guaranteeing the neutrality of Afghanistan if Soviet troops were withdrawn, but American officials said later that no progress had been made.

Meanwhile, intelligence reports indicated that Soviet troops were laying the groundwork for a long-term stay in Afghanistan. In addition to housing and military clubs under construction in the Kabul area, officials said, communication lines are being laid and land is being requisitioned for military installations.

Soviet army radio stations are being built, the officials said, and wells dug in apparent preparation for encampment through the dry summer months.

American officials expect that more Soviet forces will move into Afghanistan for the expected spring offensive.

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REPORTERS/CLERGY/ACADEMICS

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NEW YORK TIMES
6 MARCH 1980

Authors Ask Ban on C.I.A. Ties

By C. GERALD FRASER

The Authors League, a group of 8,800 professional authors and dramatists, has asked the Senate Select Committee on Intelligence for legislation forbidding United States intelligence agencies to use writers as agents.

The request was made in a letter dated Tuesday and signed by John Hersey, the league's president, and addressed to Senator Walter D. Huddleston, Democrat of Kentucky and chairman of the subcommittee on charters and guidelines and the Select Committee.

"The national intelligence act," Mr. Hersey wrote, "should unequivocally prohibit the C.I.A. (and other agencies) from using journalists and professional authors of books and magazine articles to gather information or perform other intelligence services."

He also said the fact or the possibility that some journalists and authors "may play a dual role as C.I.A. retain-

ers can discredit other writers, have a chilling effect on their potential sources of information, and erode confidence in the United States press both here and abroad."

No exceptions should be made, Mr. Hersey said, adding: "A provision permitting waivers will foster suspicions that the C.I.A. and other agencies can and will employ journalists and professional authors for intelligence purposes, and that suspicion itself will harm the press and diminish its opportunities to gather information from potentially useful sources."

The Senate committee has been holding hearings on legislative proposals to govern operations of the Central Intelligence Agency.

The use of journalists as intelligence agents has long been a sensitive subject. There have been allegations at times that some major news organizations have maintained confidential relationships with the C.I.A., although most of these allegations have been denied by the organizations in question.

ARTICLE APPEARED
ON PAGE E-4NEW YORK TIMES
2 MARCH 1980

The Nation

In Summary

A New Disclosure In C.I.A. Dispute

Shackles aren't what they used to be. After an initial round of Congressional hearings late last month, it appeared that in some instances United States intelligence-gathering agencies — whom the Carter Administration says are overdue for an unshackling — have in fact been able to slip their manacles with little trouble.

Appearing before a Senate committee, Adm. Stansfield Turner, Director of Central Intelligence, testified that he had "in very limited occasions" waived restrictions and authorized the use of journalists, teachers and clergymen for covert missions in recent years. Deputy director Frank Carlucci, on a mission of clarification last week, said that the operations were never carried out, in one case because "the need to do it was suddenly removed." The Select Committee on Intelligence is considering charter legislation that would, among other things, prohibit use of the three professions for "covers." Mr. Carlucci said the C.I.A. didn't like that proposal.

For their part, many members of the committee clearly haven't liked much of what they've heard so far. Agency officials — and their ostensible masters in the White House — are still dead set against required briefings for a handful of Congressmen in advance of significant secret operations. Nor can critics of the agencies, on and off Capitol Hill, be pleased with the intelligence that the agencies are expected to get what they want from the full Senate, perhaps before this summer. Still, last weekend, Senator Robert C. Byrd of West Virginia, the Senate majority leader, insisted that "accountability" must be a matter of law, not an informal understanding. Congress, he said, won't give the C.I.A. "or any other agency carte blanche."

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ON PAGE A22

NEW YORK TIMES
1 MARCH 1980

Carlucci Says C.I.A. Has Not Used Reporters, Clerics or Academics

WASHINGTON, Feb. 29 (UPI) — A spokesman for the Central Intelligence Agency said yesterday that, contrary to a previous indication, the agency had not in recent years used United States reporters, clergymen or academics for intelligence purposes.

The agency's deputy director, Frank C. Carlucci, told the Senate Intelligence Committee that he was clarifying remarks made to the panel last week by the Director of Central Intelligence, Adm. Stanfield Turner, about the use of such groups.

Admiral Turner had said that using "internal" powers he had "in very limited occasions" waived provisions of a 1975 Senate resolution forbidding the use of journalists, clergymen or academics for "cover" for intelligence purposes.

Admiral Turner said he did not consider himself bound to give prior notice to the committees about very sensitive, planned covert events because "leaks" could risk the lives of agents.

The remarks created concern in the Senate and House Intelligence Committees and brought protests from religious

leaders. The committees asked for clarification of the remarks.

At yesterday's hearing on proposed charters for some branches of the intelligence community, Mr. Carlucci said that, although Admiral Turner had authorized waivers for the use of the proscribed groups, the waivers had not been used.

Mr. Carlucci said that the agency was in favor of a charter for its operations but wanted latitude in exceptional cases to waive some of the restrictions.

Mr. Carlucci appeared before the committee along with the Federal Bureau of Investigation's Director, William H. Webster; Adm. Bobby Inman, director of the National Security Agency; Lieut. Gen. Eugene F. Tighe Jr., director of the Defense Intelligence Agency; and Adm. Daniel J. Murphy, Under Secretary of Defense for Policy.

None objected to charters or reasonable regulation governing the gathering of intelligence or in counterintelligence so long as sources and methods were not compromised.

All strongly objected to disclosure requirements of the Freedom of Information Act that they said tied up hundreds of their employees in search and analysis, cost millions of dollars a year and could disclose classified material unless most carefully monitored.

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SOVIETS IN CUBA

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THE NEW YORK TIMES

3 March 1980

'Highest Priority' Given by U.S. To Capture of Anti-Castro Group

By ROBIN HERMAN

Over the last five months an anti-Castro group that the Federal Bureau of Investigation regards as the most dangerous terrorist organization in the United States has claimed responsibility for a series of bombings that have taken on global political implications.

The United States Government has placed "highest priority" on seizing members of the group, called Omega 7, but so far not one of its members has been arrested as a bomber.

The F.B.I. says that the organization probably has no more than seven members and that penetrating it has raised unusually difficult problems.

"I need proof, I need documents, I need phone calls," said Larry W. Wack, an agent who has worked on the case.

In a mimeographed sheet, Omega 7, which is based in Union City, N.J., declared:

Violence Against Violence
Violence Against Hypocrisy
Violence for Dignity and Liberty

The handout was given to a Spanish-language newspaper just three weeks after the group had claimed responsibility for a bomb that exploded at Kennedy International Airport in luggage about to be loaded on a Trans World Airlines flight carrying 155 passengers and crew members to Los Angeles.

In recent months, Omega 7 has taken responsibility for bombing the Soviet Mission to the United Nations once and the Cuban Mission twice and the Fifth Avenue offices of Aeroflot, the Soviet airline.

Eulalio José Negrín, a Cuban exile leader who had been organizing trips to Havana, was shot to death on Nov. 25 outside his office in Union City. Omega 7, calling him a "traitor," said it was responsible for the assassination.

"We shall continue our actions anywhere in the world as long as there are commercial enterprises and traitors that support our enemies, allowing them to obtain great quantities of dollars through commerce," the handout said. "We shall continue to struggle in foreign lands until we reach the 'Omega' stage to complete plans of bringing the struggle to Cuban soil." Omega is the last letter in the Greek alphabet.

It has been nearly 19 years since the failure of the American-sponsored Bay of Pigs invasion of Cuba, but a small group of right-wing Cuban émigrés clings tenaciously to the belief that President Fidel Castro and his Communist Government can be ousted from Cuba by violent means. Until that final stage arrives, the group's members say, they will fight the battle on American soil, attacking President Castro's spies and economic collaborators.

"There is still a little flame here in the United States showing the people over there in Cuba we still think of them; we still think of combat," said Alvin Ross-Diaz, a veteran of the Bay of Pigs and a jailed member of the Cuban Nationalist Movement. The Federal Bureau of Investigation believes his group has provided the membership pool over the years for a myriad of anti-Castro terrorist groups, including Omega 7.

Global Implications

Following the bombing of the Soviet Mission last December, which shattered windows as high as 18 stories above the residential block on the East Side, Donald F. McHenry, the United States representative at the United Nations, said after consultation with the F.B.I. that apprehending Omega 7 members had been given "the highest priority."

That month he appointed a new deputy, H. Carl McCall, charged specifically with America's responsibilities as host country in protecting other missions. At a time when the United States is asking other nations for increased protection of its own embassies abroad, the Omega 7 bombings suddenly have global political implications.

The F.B.I. has been able to make only a few minor arrests connected to the group in the metropolitan region. Agents say it not only is extremely difficult to penetrate, but placing informants on the witness stand also puts them in grave danger and destroys their future usefulness. They say that hard proof is needed while bomb explosions consume nearly all evidence, and that the victims have been uncooperative.

Members Called 'Hoodlums'

Although Omega 7 views itself as a patriotic organization representing the feelings of the Cuban exile community, the F.B.I. says its members are hoodlums who extort money from law-abiding Cuban businesses for "the cause."

"They are hoods who use 'Castro out of Cuba' as an excuse for their criminal activities," said Tom Locke, a member of the F.B.I.'s New York antiterrorist unit. "They were never in Cuba. They can extort money, go about their daily routine, and be big shots in their community by virtue of violence."

Rudy Garcia, the executive editor of El Diario-La Prensa, the Spanish language newspaper, called Omega 7 members "pipsqueak commandos" in a vitriolic editorial in January and asked the intimidated Cuban-American community to help the F.B.I. in exposing them. Omega 7 had bombed the newspaper office, which is situated in Manhattan at 181 Hudson Street, in October 1978. And just before the editorial appeared, the group threatened Mr. Garcia's life and that of one of his reporters.

"To turn our streets into battlegrounds, to endanger the life of innocent citizens, to attempt to shut the voice of the press through threats and bombs is at the very least ungrateful," Mr. Garcia said, "and at the most a travesty of their alleged reasons for being here — to secure the benefits of freedom and democracy. It is surely a poor way for a guest to treat a host."

"The place to get rid of Castro is Cuba, not Manhattan's East Side."

Since Omega 7 first proclaimed itself after a February 1975 bombing, the group has taken responsibility for 19 bombings in the New York area. But the F.B.I. called the T.W.A. bombing last March 25 "a marked departure" from its previous activity because it showed the group was willing to injure innocent people.

The F.B.I. attributes the escalation of violence to a recent erosion of the group's influence, a dip in its finances and an inability to recruit young members.

The opposition by the right-wing element to any dealings whatsoever with the Castro Government was weakened by the establishment of what has been called "the dialogue." In the fall of 1978 a group of moderate Cubans known as the Committee of 75 (actually, they numbered 140, including priests, academicians, youths and even Bay of Pigs veterans) met with the Castro Government and helped arrange the release of hundreds of prisoners and the visits of 100,000 exiles to their homeland in 1979.

Then President Castro, surrounded by police officers and his own guards, visited New York City last October without incident. "They really lost face in the community when Castro was here and they weren't able to do anything," Mr. Locke said. "There was the one person responsible for all the problems they've been yelling about, and they had him here, and they did nothing."

A Glimpse of Operation

The F.B.I.'s investigation of the 1976 assassination of Orlando Letelier, the former Chilean Ambassador, in Washington, provided a glimpse at the identity, history and mode of operation of the anti-Castro terrorists.

Two Union City members of the Cuban Nationalist Movement were convicted of conspiracy in the crime. Guillermo Novo Sampol, 40, then head of the northern zone of the Cuban Nationalist Movement, and Mr. Ross, 47, were sentenced to life imprisonment. Mr. Novo's 41-year-old brother, Ignacio, was found guilty of perjury.

Two movement members charged in the case, José Dionisio Suárez y Esquivel, 41, and Virgilio Pablo Paz y Romero, 28, are still fugitives and are also being sought by the F.B.I. for questioning in the T.W.A. bombing.

Michael Vernon Townley, an American-born agent of the Chilean secret service who admitted organizing the Letelier assassination and placing the bomb, was the prosecution's chief witness in the trial.

The Novo brothers staged somewhat amateurish anti-Castro protests in the mid-1960's. In 1964 they were apprehended on an island in the East River firing a bazooka at the United Nations, where Ché Guevara was speaking. The shell apparently fell harmlessly into the water. The brothers were subsequently released, however, because the police had failed to read them their rights.

Exiled Cubans Recruited

In 1974 Armando Santana was arrested on charges of placing a crude bomb outside the Academy of Music on 14th Street in Manhattan where there was to be a concert sponsored by a pro-Castro organization. He was paroled two years later and now, at 30, is the local leader of the Cuban Nationalist Movement.

When Mr. Townley, acting on orders from the military Chilean Government of Gen. Augusto Pinochet, needed help in anti-leftist espionage work, law-enforcement officials said, he was referred to the Cuban Nationalist Movement branch in Union City. There he recruited the exiled Cubans who were eager for the support of an anti-Communist government.

After using the Cubans in other espionage activities, Mr. Townley met with them again in 1976 and planned the assassination of Mr. Letelier, who had been jailed by the dictatorship when Salvador Allende, the Marxist president, was overthrown in 1973. As an exile, Mr. Letelier had remained a harsh critic of the regime and was running a left-wing research organization in Washington, the Institute for Policy Studies. According to testimony during the trial the members of the Cuban Nationalist Movement were eager to gain international prestige and agreed to help kill Mr. Letelier without a payoff.

Mr. Townley testified that he placed the remote-control bomb under Mr. Letelier's car and that the Cubans helped make the device and detonate it. The explosion killed both Mr. Letelier and Ronni Moffitt, an assistant at the institute.

At the trial in Washington, an Omega 7 sticker appeared on the wall of the courthouse lavatory and the insignia was scrawled on another wall. "You can throw all these groups in the air and one comes down and that's the C.N.M.," said Mr. Wack, the F.B.I. agent, who was commended for helping trace the involvement of local members of the Cuban Nationalist Movement to the Letelier assassination.

Mr. Ross, convicted of conspiracy in the assassination and now serving two consecutive life sentences, said he had nothing to do with the plot. Of the connection between the Cuban Nationalist Movement and Omega 7, he said, "If I were Omega 7 I would have the guts to say, 'Yes, we are.' I'm serving life. Let the heat come to the Cuban Nationalist Movement because we know we are clear."

A gracious, neatly groomed man with shiny black hair and gray sideburns, Mr. Ross spoke fervently about his personal history and political beliefs from the Hudson County Jail in Jersey City, where he was transferred recently to answer a separate weapons charge.

The Aim Is Overthrow

"I was young, very romantic," he said. "I fought for Castro in Cuba. Then some experience made me reach the conclusion he was no good. My brother spent 14 years in jail there."

"Our aim is to overthrow Castro by any means, including violence. We have a board of advisers that we keep secret — doctors, engineers, economists, philosophers, professors from university, and these are the people who give us ideas."

"They think it's a bunch of kids in Union City doing this," he added indignantly.

"These 75 Cubans were picked by Castro," Mr. Ross went on, referring to participants in the dialogue. "These people went to Cuba and said it was about time to be friends, and at the same time these people are the informers to the F.B.I. about our movement."

"I don't approve of bombings, but I sympathize deep in my heart. It's hard to

get the attention of the American people."

He maintained that the Cuban community also had sympathized with bombing such buildings as the Russian and Cuban Missions. "Get the Cubans alone, and they will say 'Let the Russians blow. They should have blown the whole building,'" he said.

Mr. Ross spoke derisively of the late Mr. Negrín and others arranging trips to Havana to reunite Cuban families. He said they were taking advantage of the suffering of the people, charging exorbitant travel rates and putting American cash into Mr. Castro's pocket. He also criticized *El Diario* for supporting the dialogue.

"Our newspaper is uncompromisingly anti-Castro," countered Mr. Garcia, the executive editor, "but we saw no reason to oppose the reunifications of family. How can you oppose someone wanting to see a mother or father they haven't seen in 20 years from a humanitarian point of view? Look at the numbers — 100,000 have gone back. I'm sure virtually all of them are anti-Castro, but there are family ties that call them. That these few jokers set themselves up as arbiters of family ties and family love is absurd. Who elected them?"

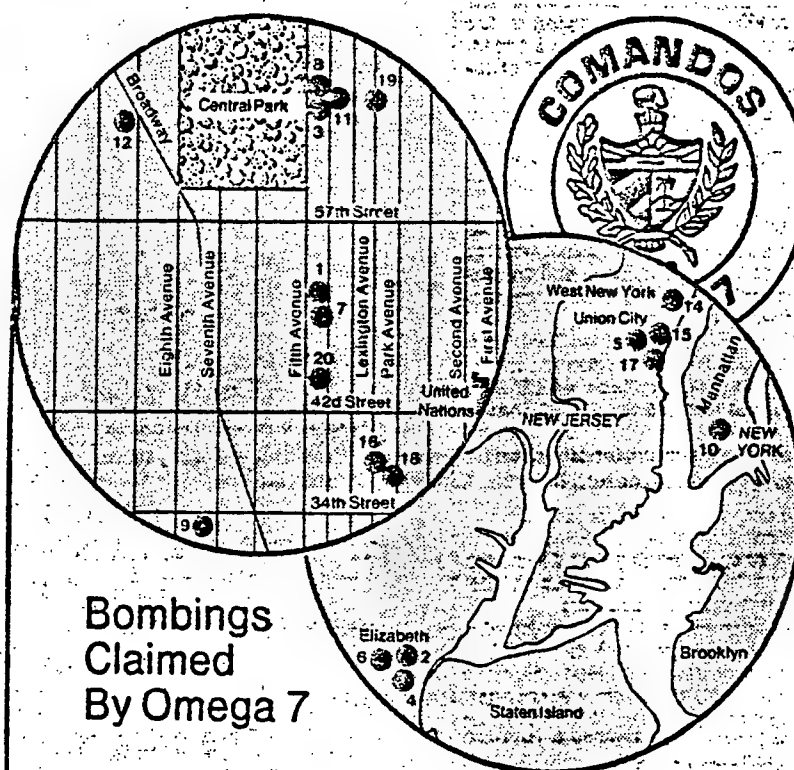
"It's not that I'm a hero. I'm a fat, aging 46-year-old executive editor with a wife and a couple kids. But by God, I'm enough of an American down in my guts that I get monumentally angry when the principles I've dedicated my life to are defiled by jokers like this."

Extortion Angle Pursued

"People say I'm either being foolish or brave. I can't take the time to look for a bomb. I don't know what one looks like. When I go out of the building with other people, though, I go out first. It's my responsibility. I take the brunt of what happens for something I might have done," Mr. Garcia said.

What are the prospects of catching the Omega 7 bombers? The F.B.I. says it is "much closer," and the F.B.I.'s New Jersey unit has been directed to put together a racketeering case against the suspected terrorists. Catching them in their extortion of Cuban businessmen might prove easier than placing them at a bombing, officials believe.

CONTINUED



1	Feb. 1, 1975	New York	Venezuelan Mission to the U.N., 7 East 51st St.
2	Feb. 11, 1975	Elizabeth, N.J.	Town and Campus Banquet Hall, U.S. 1
3	June 8, 1978	New York	Cuban Mission to the U.N., 6 East 67th St.
4	Sept. 16, 1978	Elizabeth, N.J.	Soviet ship Ivan Shepetkov
5	Dec. 20, 1977	Union City, N.J.	Almacen el Español, 3504 New York Ave.
6	Dec. 20, 1977	Elizabeth, N.J.	Almacen el Español, 911 Elizabeth Ave. (Stores send medical supplies to Cuba)
7	Dec. 26, 1977	New York	Venezuelan Mission to the U.N.
8	Sept. 9, 1978	New York	Cuban Mission to the U.N.
9	Oct. 5, 1978	New York	Gerry Cosby Sporting Goods Store, 2 Penn Plaza (Protesting Cuban boxers at Madison Square Garden)
10	Oct. 21, 1978	New York	El Diario-La Prensa, 181 Hudson St.
11	Dec. 29, 1978	New York	Cuban Mission to the U.N.
12	Dec. 29, 1978	New York	Avery Fisher Hall, Lincoln Center (Protesting concert of Cuban orchestra)
13	March 25, 1979	New York	TWA terminal, Kennedy Airport
14	March 25, 1979	West New York, N.J.	Office of Cuban Affairs, 4912 Park Ave.
15	March 25, 1979	Union City, N.J.	Almacen el Español
16	Oct. 27, 1979	New York	Cuban Mission to the U.N., 315 Lexington Ave.
17	Nov. 25, 1979	Union City, N.J.	Murder of Eulalio José Negrin
18	Dec. 7, 1979	New York	Cuban Mission to the U.N.
19	Dec. 11, 1979	New York	Soviet Mission to the U.N., 136 East 67th St.
20	Jan. 13, 1980	New York	Aeroflot ticket office, 545 Fifth Ave.

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ON PAGE A1-11

THE WASHINGTON POST
1 March 1980

Soviet Combat Troops Resume Maneuvers in Cuba

By Don Oberdorfer

Washington Post Staff Writer

The Soviet combat brigade in Cuba, subject of a month-long controversy between Washington and Moscow last fall, has resumed field maneuvers on the Caribbean island, the State Department announced last night.

The 6 p.m. announcement and background briefing for reporters preceded publication of the new intelligence about the brigade in today's National Intelligence Digest, and appeared to be a bid to head off leaks from this highly classified document in an election year.

The Carter administration, making public the existence of the Soviet unit last fall, initially declared that "the status quo" was "unacceptable" to the United States. After the Kremlin refused to remove the force, President Carter announced a series of U.S. countermeasures which he claimed had altered "the status quo."

Last night's State Department announcement said, "There is no change in our assessment of the character or size of the brigade. Although this is the first exercise of this size we have seen since last August, it generally fits the pattern by which the Soviets have exercised the brigade in the past."

The Soviet unit, estimated to be 2,500 to 3,000 men with tanks, artillery and other field equipment, is not, in its current size and configuration, considered a physical threat to the United States. The State Department restated earlier this week, and reiterated last night, that the United States has "no evidence to suggest the presence of nuclear weapons anywhere in Cuba."

An official said the present maneuvers, which are still under way, appear to be "almost a duplicate" of the activity that had been spotted at a training area south of Havana last August. That sighting by a U.S. reconnaissance satellite was taken as final confirmation of the theory that the Soviets had an operational unit, rather than a mere training or advisory force, in Cuba.

The State Department official, who did not permit use of his name under "background" rules, said Soviet training typically calls for field maneuvers every six months. He thus suggested that the reappearance of training ac-

tivity just six months since it last was seen is part of an expected pattern.

"The presence of the Soviet brigade in Cuba remains a source of serious concern to us," the official announcement said. It added:

"However, based on present evidence, this exercise in and of itself does not contradict our understanding that the Soviets will not enlarge the unit or give it additional capabilities."

Reporters were told that the United States is taking up the brigade activity with the Soviet Union through diplomatic channels. An official would not say whether the matter had been discussed by Secretary of State Cyrus R. Vance in his meeting yesterday morning with Soviet Ambassador Anatoly F. Dobrynin.

Asked why the maneuvers are being publicly announced at this time, an official said that top-secret designations and other secrecy classifications mean nothing in present-day Washington, and therefore the information would soon be made public anyway.

The State Department announcement, in this light, was an attempt to forestall the kind of explosive political controversy touched off by the original disclosure last fall by electioneering Democratic Sens. Frank Church (Idaho) and Richard Stone (Fla.).

Church, in a statement telephoned to news organizations last night, termed the renewed maneuvers the Soviet Union's way of "flouting" the combat unit in the face of the United States.

The current disclosure takes place in a radically changed context of Soviet-American relations. Last fall the administration was striving to gain Senate ratification of the U.S.-Soviet strategic arms limitation treaty (SALT II). At that time, President Carter sought to minimize the tension with Moscow, saying Oct. 1 that "I have concluded that the brigade issue is certainly no reason for a return to the Cold War."

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MISCELLANEOUS

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JERSEYVILLE DEMOCRAT NEWS (IL.)
7 February 1980

CIA director at Principia

By Anne Williams
Elsah correspondent

Admiral Stansfield Turner, director of the Central Intelligence Agency, spoke to a near capacity crowd in Cox Auditorium on the Principia College campus Feb. 5.

After directing remarks to the problems the college students would be confronting upon their graduation, Admiral Turner spoke at length about the ethical problems of intelligence gathering, and of the many decisions that have to be made concerning the risks to be taken and the relative value of the information to be gained for American security as a result of those risks. These decisions are all the more weighty because there are also risks in not having information, he said.

While agreeing that it was proper that the intelligence community have an adversary relationship with the media, Turner stated that he felt the adversary nature of this relationship had sharpened since Watergate.

There are also today eight committees on Capital Hill to which the CIA must regularly

report, though the President has recently requested that the number be reduced to two, thus insuring the oversight function of Congress while not so burdening the CIA that it could not adequately perform its functions.

Asked to compare the CIA to Soviet intelligence, Turner opined that the Russians had more spies, and were willing to engage in conduct that the United States would regard as unethical; nonetheless, our gadgetry and our abilities at analysis made our intelligence system superior.

He regards analysis of information as vital, and feels that a free society, in which the citizens are educated to weigh evidence openly, tends to excel in evaluation of data, while a society in which suspicion is present, and people guard their thoughts and views out of fear, tends to be one in which depth of analysis is not nearly so easy.

While answering questions as fully as possible, Turner declined to answer many, not only on the grounds of their sensitivity but because an intelligence official has to devote himself to gathering of information and its

analysis, leaving judgments made on that material to legislators and the executive branch of the federal government.

Turner ended his talk by turning toward the future and the delicate situation the industrial economies find themselves in today, with a combination of heavy dependence on oil, a concentration of oil supplies in the Middle East, and a coming decline in oil production.

Any perturbation in the political situation of any major oil producer will inevitably send shock waves throughout the western world and Japan. Soon Russia, too, will find that its need for oil is exceeding its own production. We are entering an era of sensitive political interdependence, according to the CIA's top man.

Following his remarks, Turner was handed a wrapped gift. He remarked that had it come to his office, it would have been x-rayed before being opened, but he supposed it would be safe.

It turned out to be a Principia College sweatshirt.

27 FEBRUARY /1980

America's favourite whipping boy back in favour

Once despised CIA is now well on way to throwing off its shackles

From David Cross

Washington, Feb 26

Mr George Bush, a leading contender for the Republican presidential nomination, is proud of his record of public service, and not least of his short tenure as a former Director of the Central Intelligence Agency some four years ago.

Indeed, he tells his audiences on the election campaign trail, it is time for people like him to speak up and tell the world what a vital job the CIA is doing. "We've got to get off their backs. We are up against a tough adversary (the Soviet Union) and we have to have the best intelligence service money can buy", he says to thunderous applause from Republican supporters.

On the other side of the political fence, too, there is broad support among Democrats for the removal of some of the shackles which have bound the agency since the early 1970s when revelations of assassination plots, secret wars, drug experiments and the like made it the favourite whipping boy of all but a handful of apologists.

In his State of the Union message last month, President Carter said: "We need clear and quick passage of a new charter to define the legal authority and accountability of our intelligence agencies. We will guarantee that abuses do not recur, but we must tighten our controls on sensitive intelligence information and we need to remove unwarranted restraints on America's ability to collect intelligence".

Mr Carter's appeal for a comprehensive charter to spell out the powers and limitations of the CIA and the other secret services was made in the context of his Administration's response to the Soviet occupation of Afghanistan.

Like his proposal to register potential military conscripts, the President believes that a relaxation of some of the constraints on the CIA will improve



Admiral Stansfield Turner: Outspoken CIA director.

the country's ability "to protect and preserve" its security against any future Soviet threats.

In fact, the gradual rehabilitation of the once despised CIA was under way well before Soviet troops were airlifted into Kabul. It started with a growing perception among members of Congress and other influential members of the American political and business establishment that too much publicity about the agency's work would only undermine its effectiveness.

As long ago as 1975, for example, in the midst of the congressional disclosures about CIA wrongdoings, Mr Richard Welch, the CIA station chief in Athens, was murdered after his name had been listed in an anti-CIA publication. The ensuing controversy which still goes on between opponents and supporters of the agency about the circumstances surrounding his death has undoubtedly played a significant part in the rehabilitation process.

In recent months the shortcomings of the intelligence services, particularly the CIA, have become more apparent as foreign crisis has followed foreign crisis.

The net result has been the tabling of various pieces of legislation in Congress in recent weeks which both the legislature and the executive branches of government hope will produce a new rule book for the intelligence services before the end of the year.

Attention so far has focused on a draft charter drawn up by the Senate's select committee on intelligence.

Its most controversial point, as far as the CIA and the Administration are concerned, is that it would require the President to give prior notice of covert intelligence operations to at least eight members of Congress even in a national emergency. Not surprisingly, the intelligence services are bitterly opposed to any such rigid requirement.

Although it is the most liberal version of the various Bills now before Congress, it has already been described by left-wing groups as a "threat to civil liberties".

Such criticism comes as no surprise but there is deep concern that pressure of time during the present session of Congress may lead to the comprehensive charter being dropped in favour of a much more limited set of rules for the CIA. Such a move might give the agency all the new powers it wants without any of the constraints contained in the full-scale charter.

This seems unlikely, however, since leaders of Congress are still anxious to ensure some control over the operations of the intelligence community.

This was made very clear last week when Admiral Stansfield Turner, the outspoken Director of the CIA, admitted during a hearing on Capitol Hill that some secret missions had been undertaken recently without prior warning to Congress.

Mr Robert Byrd, the Senate Democratic leader, said that this revelation worried him: "The CIA should not be given *carte blanche*", he insisted.

MOLINE DISPATCH (IL)

9 February 1980

Rock judge serves on hush-hush spy court in D.C.

By ROGER
RUNNINGEN

Dispatch Washington Bureau

Federal Judge Frank McGarr, who recently ordered the shutdown of the Rock Island Lines in his Chicago courtroom, is one of seven elite members of the federal court system who has power to approve government spy requests.

The powers of this little-known, super-secret court could be broadened under a new Central Intelligence Agency charter introduced in the Senate Friday.

THE AMERICAN intelligence community, which includes at least 10 spy agencies, was the butt of abuse after disclosures that President Nixon and/or his aides had ordered the CIA, FBI and other spying operations to bug, wiretap or conduct breakins on such people as Dr. Martin Luther King Jr. and many others considered "threats" to themselves or to the nation.

One of the results was the creation in 1978 of a seven-member court to review the government's need for "spy and pry" operations. It assures that "civil liberties are not bargained away in the name of national security," said Sen. Edward Kennedy, D-Mass.

In cases of approval, special warrants are issued,

good for 90 days of spying and in some cases, up to one year.

THE INVASION of Afghanistan by the Soviet Union, and the unstable political situation in Iran and in the Persian Gulf has given way to a feeling that President Carter said amounts to "unwarranted restraints" on U.S. intelligence operations.

HOW FAR THE special court should go in permitting so-called "black-bag jobs" and other intrusions isn't clear. It falls in a gray area between Constitutional protection and the need to protect national security.

The new charter proposed Friday broadens the scope and jurisdiction of that court considerably.

"What this is saying is that they can burglarize your home and open mail if they convince a secret court you're an agent of a foreign power, but they never tell you that your papers have been copied or taken," charged Jerry J. Berman, counsel to the American Civil Liberties Union.

He said the group supports a charter for the CIA, setting forth for the first time a list of dos and don'ts, but that intrusions on Americans in the United States goes beyond Fourth Amendment protections against unreasonable searches and seizures.

UNDER A 1978 foreign intelligence law, Chief Justice Warren Burger of the Supreme Court named seven federal judges to hear and approve spy applications.

"The court does not act with all seven members," said one of its members, Federal Judge George L. Hart Jr. of Washington, who also doubles as the presiding judge. "Each member of the court acts individually" on a rotating basis. Judge McGarr in Chicago might be on 24-hour call for a week or several weeks to hear urgent requests.

Cases are heard in a soundproof room in the Federal Court Building along Constitution Ave. in Washington, just a few hundred yards from the U.S. Capitol. It has a very small staff, and all clerks and judges have top security clearances.

Beyond that, little is known of the special court, less than a year old.

"WE DON'T know how many times the court has met, how many petitions from the government they've considered, or in fact what they've done," complained Alan Adler, legislative counsel for National Security Studies, a civil rights group. "We have no way of knowing whether the government is justified

in its use of spying."

Judges "have got to be available at any time, simply by the nature of the business," said a CIA official, who asked not to be identified.

Judges hear requests from not only the CIA and FBI, but also the Defense Intelligence Agency, National Security Agency, intelligence branches of the Army, Navy, Air Force and the intelligence arms of the State, Energy and Treasury Departments.

Under current procedure, an American suspected of being a spy for a foreign government can be wiretapped if authorized by the special court.

The new charter would permit wiretapping of Americans in the United States as well as breakins, mail opening and the like if approved by the court.

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THE CHRISTIAN SCIENCE MONITOR
6 March 1980

Is Moscow's secret oil tank going dry?

By Kenneth L. Adelman

A basic reason for nefarious Soviet behavior in Afghanistan and also Iran may be the Kremlin's intense concern over its own deteriorating energy situation.

Soviet oil reserves have been considered state secrets since 1947, and no direct estimations have been published in the USSR — in contrast with disclosures on natural gas and coal reserves, where official figures do exist. Until 1977 the accepted approximation of Soviet proven oil reserves was usually taken to be the British Petroleum Statistical Yearbook, which estimated that Soviet "proven" reserves (in a loose sense) were about 70-80 billion barrels.

But in 1977 the CIA published two reports on Soviet oil prospects that were revolutionary, particularly in the finding that "... Soviet proven reserves are 30-35 billion barrels..." there is no doubt that Russian proven reserves have been falling in recent years and there is little chance that new oil will be discovered during the next few years to appreciably improve the reserves-to-production ratio." This view was affirmed more recently by the CIA's latest publication, "The World Oil Market."

Three rather special conditions govern Soviet energy prospects.

First, of course, is geography and climate. The Soviet Union is so cold that its energy demands are much heavier than ours. The last two winters, for example, in order to save energy, the Soviets have been closing important factories such as nonferrous metal processing plants for two months out of the year.

Second is distance. In addition to the fact that Soviet coal is of poor quality and in extremely deep mines, it is far from the industrial areas where it is required for power generation, heat, etc.

Third is geology. Oil production has been declining in European Russia for five years. And in West Siberia — which is all that is left — production has been increasing by modest amounts such as to indicate that no giant fields have been or are being discovered. What is more, the giant fields that do exist will start going into decline within a few years, and new small fields have not been coming in as planned. Overall, Soviet oil production in November of 1979 is said to have been 800,000 barrels per day short of plan.

In late 1979, however, a Swedish consulting firm, Petrostudies of Malmö, published a new report, "Soviet Proven Oil Reserves 1946-80." This was the third in a series of reports by this company; the first two went against the grain of the CIA analysis by arguing that the Soviets would be able to greatly increase production and exports of both fuels through the end of the century. Less credence was given to these reports than to those of the CIA and others.

But the third report, which had taken two years to compile, was said to have used an approach "... never used before in the study of Soviet oil reserves which has for the first time made it possible to reconstruct Soviet absolute figures on discovered oil reserves over the past 30 years." The conclusion of the report is that the Soviets have systematically downplayed new oil finds over the past 20 years and that the USSR in fact now possesses the world's largest oil reserves: more than 150 billion barrels, equal to the reserves of Saudi Arabia.

The report notes: "There is no danger at all that the USSR will become a net importer of oil in the next ten years at least, and compete with other nations for the purchase of OPEC oil. On the contrary, the Soviet leadership has a long-term policy to increase oil exports to the West — particularly refined products — in order to earn hard currency."

A layman is hard put to say which of these views, the CIA's or Petrostudies', is correct in view of the official secrecy from the Kremlin. Interestingly, it is possible to work diligently through the Soviet published literature and come up with two such different figures.

The CIA viewpoint seems to be the prevailing one at present, since it has become known and confirmed that the Soviets have expressed increasing concern about oil reserves, primarily owing to lack of attention to exploratory drilling. It also seems that Moscow's finding rates have not kept pace with production and that the reserves-to-production ratio has fallen.

If such is the case, and Moscow does indeed become a new oil importer in the coming several years, then its lunge toward the Gulf makes additional sense. Not only could it head off an American intervention in the area but it could more positively protect its own sources of necessary energy. This makes its moves in Iran and Afghanistan all the more comprehensible.

Kenneth L. Adelman, former assistant to the Secretary of Defense, is senior political scientist in the Strategic Studies Center of SRI International.

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THE NATIONAL GUARDIAN
5 March 1980

U.S. bans Agee

By PHIL HILL

Special to the Guardian

Hamburg, W. Germany.

The U.S. State Department cancelled Philip Agee's passport at its consulate here Feb. 14. Author of the book "Inside the Company" and other exposures of CIA covert operations, Agee has been deemed a security risk by the State Department.

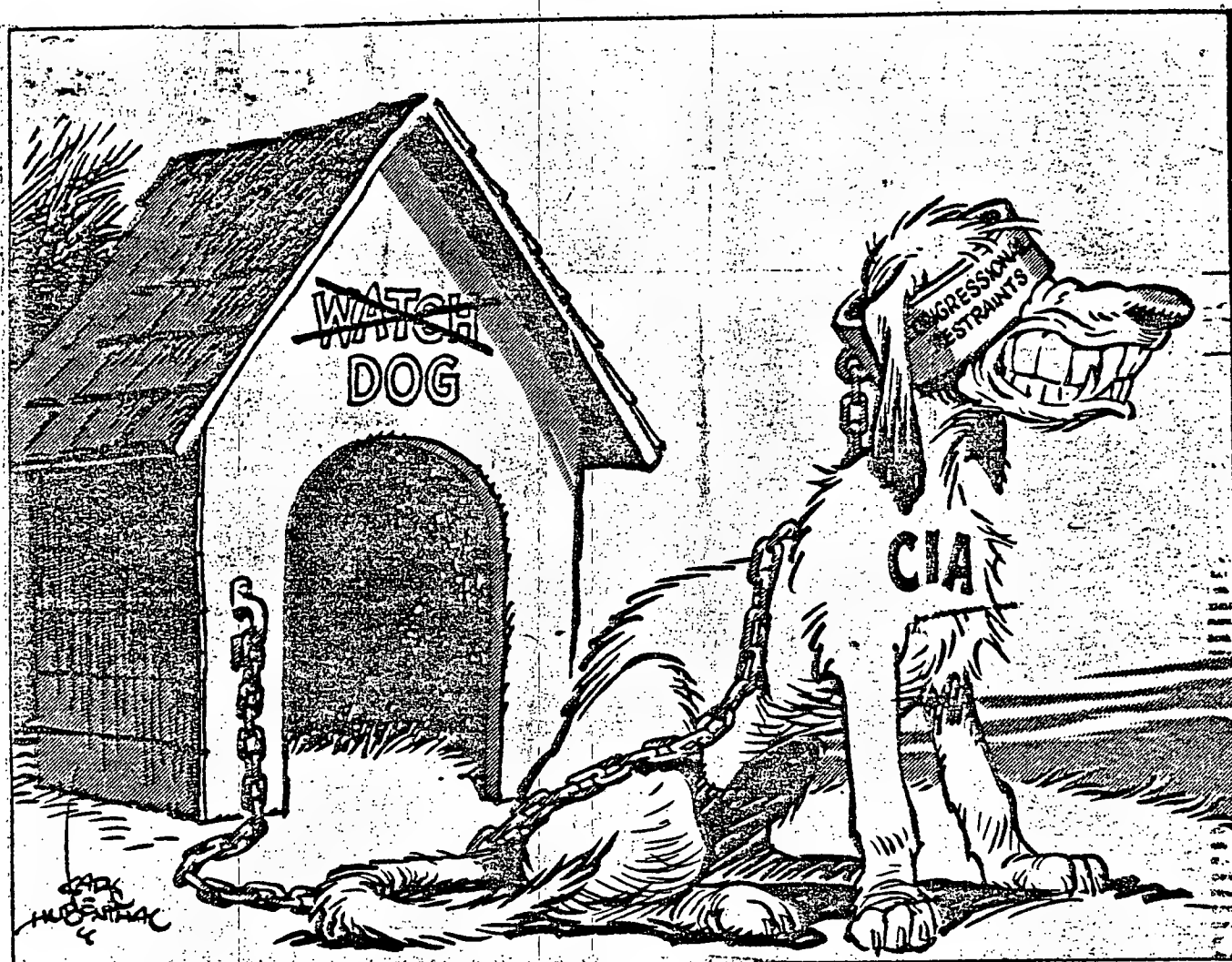
When he went to the consulate two weeks ago to get a personal identification card in order to comply with German residency laws, Agee emerged with the card and a passport stamped "cancelled."

The action followed a protracted court battle. The state department first revoked Agee's passport in September but he refused to turn it over. Instead he filed suit.

The U.S. District Court rejected the State Department's claims in early February, but the U.S. Circuit Court of Appeals last week granted the department a temporary stay. Thus Agee's passport is invalidated until the court rules on the case, probably in May.

Agee hopes the circuit court will uphold the original ruling. If it does not, he will have difficulties traveling but the prospect doesn't seem to worry him. "I've got a phone and the mail. People can come and visit me," he told the Guardian. "I can do all my work right here."

SAN ANTONIO LIGHT (TEX)
5 February 1980



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BIRMINGHAM NEWS (AL)

10 February 1980

The CIA: Life After Death?

As late as January of this year, the Carter administration was still dispensing pabulum regarding the CIA, claiming that U.S. defense intelligence operations were adequate. The claim was made in the face of the seizure of the U.S. Embassy in Tehran and of increasing Soviet activity in the region.

But the invasion of Afghanistan by an estimated 80,000 Russian troops and the presence of combat aircraft in easy striking range of shipping lanes in the Persian Gulf has since had a marvelous effect on clearing the presidential mind. For it suddenly became clear that Soviet adventures in the arena could be far more damaging to Mr. Carter's political fortunes than the benefits he was likely to receive in patronage from leftist ranks by a tough anti-CIA stance.

Evidence of the change of mind wrought by uncomfortable facts was Mr. Carter's request of Congress in his State of the Union message that it was time to reduce the exposure of the Central Intelligence Agency to the vagaries of scores of congressmen politically on the make.

Whatever his motives, the president is right to begin rebuilding a legal framework that will permit the CIA agency to become once again an effective arm of defense and diplomacy. But the time and effort needed to restore the agency to its pre-Watergate effectiveness should not be underestimated. Years, if not decades, will be required.

To understand the current state of the CIA and the damage done by rogue reformers in Congress and the Carter administration, consider the following:

- Some 2,000 employees, mostly senior officers, were forcibly retired;
- More than 800 officers from the ultra-secret Deputy Directorate of Operations have been discharged. This is the department which is, or was, responsible for covert actions. (In replacing these veterans, one does not just ring up The Helping Hand Employment Service or state employment agencies for trained but unemployed agents. It doesn't work that way.)
- The names of many agents were leaked during the congressional investigations and

others have been aired or published by defectors such as Philip Agee;

- Liaison with intelligence agencies from friendly powers such as England, France, West Germany and Turkey have been demonstrably weakened and

- Nationals of other foreign countries who have cooperated with the agency in the past have left the ranks of reliable sources of information fearing exposure by investigating members of Congress.

The consensus worldwide and in Washington is that the U.S. is increasingly incapable of identifying and recruiting overseas sources, conducting effective counterespionage operations at home and of using covert activity to anticipate or alter the course of events to support U.S. goals and interests abroad.

The evidence on which this consensus is based is abundant and telling. For instance, U.S. intelligence consistently misread the intentions of the Soviet Union's intervention in Afghanistan. Not until late December of 1979 did the administration finally admit that the military build-up relative to Afghanistan represented a threat to the oil-rich Persian Gulf region. Yet, even British journalists were reporting during the past two years that the Soviets were taking virtual control of military operations in Afghanistan.

Mr. Carter's cancellation of reconnaissance flights over Cuba in 1977 and the retrenchment of on-the-ground efforts clearly led to the failure to monitor the Soviet military build-up and Cuba's support of terrorism throughout Latin America.

Retrenchment in Asia is blamed by senior officials for Mr. Carter's underestimating North Korea's troop strength by 25 percent which resulted in his announced plan to withdraw virtually all U.S. ground troops from South Korea. The plan was later scrapped.

The councils of the nation and the president were also so poorly informed that the president was unable to foresee that the Soviet Union was planning to shift its support from Somalia to Ethiopia, which is today a gun pointed at Persian Gulf shipping lanes and at Saudi Arabia.

CONTINUED

Even as late as last September, the White House was unable to confirm whether a nuclear blast had been set off over the Indian Ocean and, if so, what country set it off.

In justice to Mr. Carter, all of the inroads that have been made on U.S. intelligence gathering cannot be laid to his administration. The debauching of the CIA, the FBI and other intelligence sources came as a result of highly orchestrated attacks by liberal-leftist officials and trendy journalists and were meant to destroy U.S. intelligence-gathering capability.

Why? Because it was these intelligence agencies which furnished the factual information that challenged leftist political positions and objectives both here at home and overseas. In order for liberal precepts to prevail and determine policy — such as detente with the Communist world and SALT II — agencies which offered facts to be examined and debated had to be destroyed, discredited and made docile.

While the politicization of intelligence-gathering has been obvious, surely Mr. Carter has now learned a valuable lesson: No president can function effectively or with confidence lacking relevant facts from the real world. No amount of high rhetoric or sentiment can substitute for real information. Mr. Carter should know that better than anyone, considering his current troubles, but it remains to be seen whether he has admitted to himself and to his advisers the real source of misjudgments.

ARTICLE APPEARED
ON PAGE 19THE CHRISTIAN SCIENCE MONITOR
4 March 1980

Will old subs torpedo SALT?

By Herbert Scoville Jr.

After President Carter requested the Senate to postpone deliberation of SALT II following the invasion of Afghanistan, the State Department announced that the US would nevertheless continue to observe the provisions of the SALT I agreements and avoid taking any actions that would defeat the object and purpose of SALT II, as long as the Soviets exercised similar restraint. So far the Soviets are apparently going along. These actions were taken because of the clear understanding that mutual limitations on strategic weapons were in the security interests of both countries, even though the US was in a period of sharp confrontation with the Soviet Union in Afghanistan and elsewhere.

But it may be easier for both governments to make such statements than it will be to carry out such policies. In the next six months both President Carter and President Brezhnev will be required to make decisions that will test their leadership ability. Specifically these will involve whether the US and the USSR will abide by the ceilings on submarine-launched ballistic missiles (SLBMs) established in the SALT I Interim Agreement of 1972.

In this agreement the Soviet Union was limited to 950 SLBM launchers, a level which it reached more than a year ago. However, the Soviet Union has a continuing program for building new DELTA-class submarines with long-range SLBMs, and at US insistence it has been removing missile launchers from the older Y-class submarines as fast as the new DELTA submarines begin sea trials. The US has monitored this process through the US-USSR Standing Consultative Commission, which was established by SALT I and is continuing to operate even in this renewed cold war atmosphere.

But these Y-class submarines are really not obsolete; most of them have been operational for ten years or less. Sometime in the next month or so the Soviet Union will have another DELTA-class submarine ready to begin sea trials. Will the Soviet military in the present political climate be willing to scrap the missiles on a relatively new Y-class submarine in the hopes of keeping a shaky SALT process alive?

The US will soon be facing a similar dilemma. The first US Trident submarine is scheduled for sea trials in July, 1980. If the US is to abide by the SALT I limits, it will have to simultaneously decommission a much older Polaris boat. Prior to the Afghanistan crisis five such Polaris submarines were scheduled for retirement in the current year. But in the

present climate there are certain to be strong arguments to continue these in the strategic force.

When the interim agreement officially expired in October, 1977, Senator Henry Jackson questioned the legality of the US's continuing to live up to its provisions thereafter. At that time he got little support for this campaign, since prospects for SALT II negotiations appeared high, and it was clearly in the US interest to have the Soviets abide by the SALT I ceilings. Now this issue is almost certain to be raised again and to obtain wider support. The SALT opponents may seek to veto funds for following approved SALT procedures for verifying that the Polaris missile submarines are actually removed from the strategic force.

If President Carter is to resist such pressures aimed at torpedoing SALT at this time, he will be required to demonstrate alertness and leadership of a type to which he has not been prone when dealing with the hawks in the Senate. Furthermore, it will be necessary for the US to make clear in advance to the Soviet Union that it proposes to follow through on its commitment to keep within the limits on the total number of ballistic missile submarines and to follow verifiable procedures if it wishes to forestall an earlier Soviet decision to break through the SALT I ceilings and keep both its current Y-class and new DELTA-class missile submarines operational.

These are examples of decisions that cannot be deferred, for a breach in the SALT I ceilings can rapidly lead to an unravelling of the entire SALT process. As even some of the hawks and SALT opponents are finally beginning to realize, limits on Soviet strategic weapons are even more important in periods of confrontation than during détente. It would be a tragedy if the future of strategic arms limitations were allowed to be jeopardized by ignoring this issue at this time or by letting it become a victim of presidential politics.

During the coming months there will undoubtedly be other examples where mutual restraint will be required, and both governments must be continuously alert if SALT is not to be irretrievably damaged. As Secretary of Defense Harold Brown said in a recent report, SALT II is an arms control agreement "that will enhance our security through limits on the Soviet threat." Opportunities to improve security through arms control instead of by spending billions of scarce dollars should not be wasted lightly.

Herbert Scoville Jr., president of the Arms Control Association, was formerly assistant director, Arms Control and Disarmament Agency, and deputy director for research of the CIA.

PUBLISHERS WEEKLY
29 February 1980

**Government Learns About
Pub Dates the Hard Way**

The Justice Department and the CIA, with their vast intelligence networks, apparently failed to gather information on the highly overt operations of American publishers. The Justice Department had sought a preliminary injunction on February 6 to stop the publication of "Dirty Work II: The CIA in Africa," whose official publication date is March 15. Justice dropped its request as moot on February 15 when it learned that copies were already on sale in Washington bookstores.

Publisher Lyle Stuart said 4000 copies had been in bookshops for at least two weeks at that time. Stuart further noted that Philip Agee, former CIA agent, had written introductions to two sections and was not, as Justice's 100-page legal brief had stated, the book's author.

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ON PAGE A7

THE WASHINGTON POST
4 March 1980

Rosenbergs' Spying Uncovered By Breaking Code, Book Reports

Associated Press

Soviet spies Julius and Ethel Rosenberg were caught because American intelligence agents broke a Russian cipher but, for secrecy reasons, the coded information could not be used at their trial, according to an excerpt from a new book on the Central Intelligence Agency.

"The trial of the Rosenbergs would become one of the most disputed court cases of the century, in part because the government, hoping to protect its most secret source, never introduced one of the most damaging pieces of evidence against them: the decoded traffic from the New York-to-Moscow channel," writes David C. Martin in "Wilderness of Mirrors," to be published later this month by Harper & Row.

Martin writes that the Armed Forces Security Agency broke the So-

viet cipher in 1945 and "one of the first Soviet spies to be undone by the code break was the German-born physicist Klaus Fuchs."

Fuchs implicated Harry Gold, a naturalized American citizen of Russian parentage, whose confession ultimately led to the arrest, conviction and execution of the Rosenbergs of New York.

The Soviets found out about the code break in 1950, Martin says, when alerted by William Weisband, "a disloyal employe of the Armed Forces Security Agency."

"The man who betrayed America's ultra-secret was never prosecuted for his crime, since a public trial would have required revelation of the code break," Martin writes. "Instead Weisband was sentenced in one year in jail for failing to answer a summons to appear before a grand jury."

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U.S. NEWS & WORLD REPORT
10 March 1980

Washington Whispers

Intelligence officials say Carter, in an effort to boost CIA morale, is likely to stick within the agency for a successor to Adm. Stansfield Turner if the present director leaves. Reported on the inside track: Frank Carlucci, the current No.2 man.

★ ★ ★

Asian intelligence sources report that sizable quantities of Soviet-supplied chemical-warfare material, including poison gas, have been put in place along Vietnam's tense border with China for use in case of another war. Refugees from Laos, in fact, say the Vietnamese already have used poison gas against tribal insurgents there.

★ ★ ★

The White House is getting this word from top CIA officials about leaks of agency secrets: Look to the State Department, not just the CIA itself or Congress, for the source.